

By Mr. LONERGAN: A bill (H. R. 19956) granting an increase of pension to Margaret Hoary; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 19957) granting an increase of pension to Stephen B. Garrigus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19958) granting an increase of pension to Amanda Tichenor; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 19959) granting a pension to Ellen Morris; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 19960) granting an increase of pension to James T. Thrasher; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 19961) granting a pension to Fred M. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19962) granting an increase of pension to William B. Jenness; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 19963) granting a pension to Mary E. Roseberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19964) granting an increase of pension to John Canote; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 19965) granting an increase of pension to Erick Lawson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 19966) granting a pension to Charles E. Hilliard; to the Committee on Pensions.

Also, a bill (H. R. 19967) granting an increase of pension to William S. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19968) granting an increase of pension to Joseph W. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting an increase of pension to William A. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19970) granting an increase of pension to Preston C. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19971) granting an increase of pension to Daniel H. Hampton; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 19972) granting an increase of pension to Minor M. Webb; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 19973) for the relief of the legal representatives of Robert G. Crozier; to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Memorial of Woman's Christian Temperance Union of Kingston, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petitions of William McKillip, O. J. Fay, T. H. Suckling, F. J. Wolf, Frank Glessner, and the Diamond Hardware Co., all of Hollidaysburg, Pa., favoring passage of House bill 5308, taxing mail-order houses; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Memorial of Long Beach (Cal.) Chamber of Commerce, favoring House joint resolution 372, providing for a national security commission to inquire into the question of the preparedness of the United States for war; to the Committee on Rules.

By Mr. BRODBECK: Petition of 118 people of Delta, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Badger Press, of Milwaukee, and the Lakeside Printing Co., of Racine, Wis., protesting against the Government printing return envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of Wisconsin Laundrymen's Association, of Fond du Lac, Wis., relative to Chinese labor and competition; to the Committee on Labor.

Also, petition of M. L. Boyce, of Milwaukee, Wis., protesting against the Menace being sent through the mails; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of International General Fishermen's Association, protesting against the passage of the Flood bill, relative to the kind of nets used by fishermen; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Stella B. Hatch and 360 others, in support of a law to protect calves and cattle from freezing in transit on the railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of citizens of Pana, Ill., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the twenty-first district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. HOUSTON: Petition of citizens of Howell, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of Samuel W. Irwin, of East Greenwich, and Rev. P. A. Canada, of Barrington, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. McKENZIE: Petitions of citizens and church organizations of Freeport and other cities in the thirteenth Illinois district, favoring national prohibition; to the Committee on Rules.

By Mr. MOON: Petition of citizens of Salt Creek, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY: Petition of citizens of Coyle and Perkins, Okla., favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Church of Nowata, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Gideon A. Burgess, of the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PARKER of New Jersey: Petition of sundry citizens of Newark, N. J., protesting against the use of the mails by a publication called the Menace; to the Committee on the Post Office and Post Roads.

By Mr. PROUTY: Petition of citizens of Dexter, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petitions of citizens of Slater, Polk City, Cambridge, Maxwell, Collins, Sheldahl, Elkhart, Altoona, Bondurant, Pella, Mitchellville, Gilbert Station, Ames, Nevada, and Colo, in the State of Iowa, in favor of H. R. 5308, providing for regulation of mail-order concerns; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of 250 members of the First Baptist Church of New Market, and congregation of the First Presbyterian Church of Perth Amboy, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany H. R. 9955, granting a pension to John B. Bishop; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petition of members of regiments serving in past Indian wars, relative to pensions for said survivors, etc.; to the Committee on Pensions.

Also, petition of Western Association of Short Line Railroads, protesting against the passage of House bill 17042, changing the basis of mail transportation rates; to the Committee on the Post Office and Post Roads.

Also, petitions of the Norwegian-Danish Methodist Episcopal Church, Woman's Christian Temperance Union, and the Olivet congregation, Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

Also, petitions of William L. Hovis Co., Reliable Print Shop, and Classy Printing Co., all of Los Angeles, Cal., protesting against the printing of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

Also, memorial of Angel City Court, of Catholic Order of Foresters, of Los Angeles, Cal., favoring the passage of the Hamill bill—H. R. 5139; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Nebraska: Petition of 30 citizens of Monroe, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. THOMAS: Petition of sundry citizens and church organizations of the State of Kentucky, favoring national prohibition; to the Committee on Rules.

#### SENATE.

TUESDAY, December 15, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee that we may be possessed with the passion of eternity. The pressing duties of this little world and this little life bring us constantly to the thought of things that pertain to time. Within this sphere our whole duty lies, but in the upper range and reach of life are our aspiration and our destiny. Preserve us from that littleness of life that would keep us constantly with our eyes on this earth only. May not our appetites, starved small by the continual view and use of this world, rob us of our higher aspirations and the hopes that are eternal. Speak to us out of Thine own eternity that we may live the larger life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

# TRAVEL OF EMPLOYEES IN INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 1351).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the travel of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1914, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, and it was thereupon signed by the Vice President.

## CREDENTIALS.

Mr. BRYAN presented the credentials of DUNCAN U. FLETCHER, chosen by the electors of the State of Florida a Senator from that State for the term of six years beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

## PETITIONS AND MEMORIALS.

Mr. BRISTOW presented petitions of sundry citizens of St. Francis, Satanta, Bison, and Florence, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Belcher, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented a petition of the Junior Order United American Mechanics of Putnam County, Fla., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Portland, Oreg., and a petition of members of the Methodist Preachers' Meeting of New York, N. Y., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of West Newbury, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland and of the District of Columbia, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Municipal Council of Taunton, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Board of Trade of Everett, Mass., praying for the creation of a national security commission, which was referred to the Committee on Military Affairs.

Mr. BURLEIGH presented petitions of sundry citizens of Kennebunk, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OWEN presented petitions of sundry citizens of Skedee, Yale, and Ralston, all in the State of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented petitions of the congregation of the Tabernacle Methodist Episcopal Church, of Providence; of the Delta Alpha Class of the Tabernacle Methodist Episcopal Church, of Providence; and of the Frances Willard Class of the Tabernacle Methodist Episcopal Church, of Providence, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 6922) for the relief of Mrs. George A. Miller; to the Committee on Claims.

A bill (S. 6923) granting a pension to Anna Buck; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6924) granting an increase of pension to John E. Darrah (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6925) granting a pension to Henry Scott (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6926) granting an increase of pension to Charles P. Harmon (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6927) granting a pension to Francis Hendricks (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6928) granting an increase of pension to James Inman; and

A bill (S. 6929) granting an increase of pension to George O. Miller; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6930) granting an increase of pension to John H. Masterson (with accompanying papers);

A bill (S. 6931) granting an increase of pension to William Carter (with accompanying papers); and

A bill (S. 6932) granting an increase of pension to Maria T. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6933) granting an increase of pension to Peter P. Chocey; and

A bill (S. 6934) granting a pension to Anna Irwin; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6935) granting an increase of pension to Martin Perkins (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 6936) to provide for commissioned officers for the reserve and volunteer forces of the United States in time of actual or threatened war; to the Committee on Military Affairs.

A bill (S. 6937) for the relief of Thomas F. Veno; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6938) granting an increase of pension to Eloise Warner (with accompanying papers); and

A bill (S. 6939) granting a pension to Sarah A. Boll (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 6940) making an appropriation to investigate the insects attacking clover plants in the States of California, Oregon, Washington, Idaho, Montana, Nevada, and Utah; to the Committee on Agriculture and Forestry.

By Mr. PENROSE:

A bill (S. 6941) to correct the military record of Jacob Nice (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6942) granting a pension to Augustus O. Hartel;

A bill (S. 6943) granting a pension to Daniel S. Gilbert;

A bill (S. 6944) granting an increase of pension to John W. Hendrickson;

A bill (S. 6945) granting a pension to Albert J. Emery;

A bill (S. 6946) granting a pension to Sarah A. Spriggle;

A bill (S. 6947) granting an increase of pension to William Fenner;

A bill (S. 6948) granting an increase of pension to George Swisher (with accompanying papers); and

A bill (S. 6949) granting an increase of pension to Mary M. Stuard (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6950) granting a pension to Blanche F. Nash; to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 6951) for the relief of the heirs and legal representatives of Jules Lapené and Auguste Ferré; to the Committee on Claims.



By Mr. CHAMBERLAIN:

A bill (S. 6952) granting a pension to Jesse J. Lamkin (with accompanying papers); and

A bill (S. 6953) granting an increase of pension to Joseph S. Herndon (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6954) granting an increase of pension to George W. Case (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 6955) granting an increase of pension to Ellen M. Bellows; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6956) granting an increase of pension to Victoria S. Day; to the Committee on Pensions.

#### THE JUDICIAL CODE.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STERLING (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$10,000 on deposit to the credit of the Creek Indians and pay the same to the trustees of the Henry Kendall College, intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

#### HOUSE BILL REFERRED.

H. R. 19422. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### WAR SUPPLIES TO BELLIGERENT NATIONS.

Mr. WORKS. Mr. President, yesterday morning, when I was absent from the Senate on committee service, the chairman of the Committee on Foreign Relations asked that the bill (S. 6862) to forbid the furnishing of war materials to belligerent nations, introduced by me, be transferred from the Committee on Military Affairs to the Committee on Foreign Relations. The Senator, I understand, acted upon the supposition that the bill had been referred to that committee upon my request. That was a mistake. The reference was made by the Chair without direction from me, and I think very properly, to the Committee on Military Affairs. I inquired about it later and was so informed, and expressed my willingness that it should remain in that committee, giving as my reason that it would probably be acted upon more speedily by that committee than by the Committee on Foreign Relations. So the Chair, no doubt, understood that the reference was made at my request. I have no objection, however, if the chairman of the Committee on Foreign Relations thinks it should go to his committee that the transfer should be made.

Mr. STONE. I will state to the Senator that that was done yesterday.

Mr. WORKS. I understood that the Senator very courteously allowed the matter to go over until I might be present in the Senate. Am I mistaken in that?

Mr. STONE. I will say to the Senator that when I called it up yesterday morning in the first instance neither the Senator from California nor the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs, was present, and I asked that the matter might be deferred until one or both of them should be present. Afterwards I had a conference with the Senator from California, and he said, sub-

stantially, what he has said now. Still, I waited until the chairman of the Committee on Military Affairs came in, when I asked him his opinion of it. He concurred with my view, and on his request the Committee on Military Affairs was discharged from the further consideration of the bill and it was referred to the Committee on Foreign Relations.

Mr. WORKS. Mr. President, that was done in my absence.

Mr. STONE. I had no idea the Senator objected to that disposition, from what he had said to me.

Mr. WORKS. I am not complaining of the chairman of the Committee on Foreign Relations. I do desire, however, to say a word respecting the bill and its transfer from one committee to the other.

It is important, in my judgment, that the bill should be speedily considered. My only fear was that the Committee on Foreign Relations, being engaged in what may be regarded as more important business, should allow this bill to remain unacted upon.

I may say, Mr. President, that the bill has evidently been misunderstood by some people, judging from the letters I have received respecting it. It seems to be understood that it would prevent the aid that is being extended now to innocent non-combatants who have suffered on account of the war. That was not intended, and the bill should have no such effect as that.

But, sir, we were not responsible for the beginning of this war. We have not been responsible for any lives that have been lost or property destroyed; but if the people of this country prolong the war by the aid that is being extended to the belligerents, or any of them, we will be responsible for the lives that are lost and the property destroyed by the continuance of the war.

We are claiming to be in favor of universal peace. We are not acting up to our pretensions. If the business men of this country are not patriotic enough and humanitarian enough to withhold the supplies that are being sent by the millions of dollars worth to the contending armies, I submit the Government should prevent the sale and furnishing of these materials to the belligerents. It was only with that object in view that the bill was introduced, and I think it extended no further than the supply of materials directly to the nations concerned or their armies.

I have here the proof of an editorial that is to appear or may have appeared, in the Journal of the Knights of Labor, which expresses some views upon this subject that I think may well be considered, and I ask leave to print it in the Record as a part of my remarks, without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Journal of the Knights of Labor.]

BOYCOTT WAR; A PRACTICAL PLAN FOR PEACE—WE CAN STOP EUROPEAN WAR, IF OUR PRAYERS ARE HONEST—SENATOR WORKS'S BILL.

The Chief Executive and the people of this Nation are constantly proclaiming their intense desire that the war shall end in Europe and that peace shall prevail everywhere. That is the right sort of feeling to have and maintain, but to a considerable extent the attitude and doings of the American people toward this war and concerning the bringing about of peace in the world seem to be mere hypocritical pretense. Our actions belie our words.

Ever since this war began we find everywhere expressed the faith and hope of the people that we are to gain great prosperity thereby and are to become richer by the vast trading which it is claimed is thereby opened up to us. Now, this is all very well and proper under certain conditions. But if the sending of our exports abroad has a tendency to aid the combatants and to continue warfare in Europe, then, if we square our actions with our words, we will not send these warring peoples a dollar's worth of our products until they stop fighting. We are a lot of greedy hypocrites as long as we express our desire for peace in Europe and at the same time continue to send to the nations at war their munitions of war or provisions which enable them to continue their warfare.

What is the actual situation to-day in this regard? We are daily reading in the press statements of vast contracts entered into by great manufacturing concerns in various parts of the country made with the different Governments now carrying on this war for bullets, for swords, for cannon and rifles, for bayonets, for powder, for submarines and aeroplanes—for every sort of implements and supplies used in carrying on modern warfare. We read also of vast numbers of horses and mules gathered up in the far and near sections of the country and shipped abroad to be tortured and shot to death in bloody warfare. We read of contracts made to furnish vast supplies of clothing and uniforms and everything that soldiers need. And we are congratulating ourselves and shaking hands and telling each other about the prosperity to come to us because of these contracts. The more we read and think about these contracts the greedier we become, and the great masters of industry are planning to make great gains out of these contracts, and American workmen are filled with hope and joy at the prospect of gaining work in the production of these things.

Now, if we stop to think about it we would at once realize that if we should carry out our protestations for peace we would at once cease to make these contracts, to make these implements of warfare, cease to furnish these supplies, and would show ourselves to be an honest and great people thereby. For it is plain that if these warring nations

could not secure these things they could no longer carry on this monstrous and hideous warfare. Probably the shutting off of these munitions and supplies on part of our country would end this war within less than 30 days. There is no place in all the world where the nations can get these necessary weapons and supplies except from this country. From sheer inability to continue fighting every nation would shortly be obliged to make peace, and the war would soon be ended.

Will we do this thing? The answer is we shall not do this thing because our protestations and prayers for peace are in the main sheer hypocrisy, and beneath them all lies unbounded greed. Even the neutrality to which as a Nation we are pledged is to-day a mere sham. Our claim of national neutrality has been made in such terms which, if we were honest and just toward all the nations engaged in this war, we would be bound to hold that none of these munitions and supplies could be sent, no matter by what sort of subterfuge they may be shipped and disguised or by what roundabout ways forwarded to the particular nation to whom they have been sold. As it is the very spirit and form of an honest neutrality is being daily violated and set at naught by our great producers and exporters of munitions of war, some of them the very men whose protestations and demands for peace and the cessation of warfare are the loudest. This is a sham through and through, and, of course, we will keep it up as long as there is a dollar in it.

The principle of all this thing, and the possibility of maintaining the same, is also embodied in the furnishing of food products to the nations at war. Our wheat and corn and flour and meat and scores of other things which we are sending to these nations, in result, perpetuate this warfare and enable them to continue their fighting. Without our products, some of the chief nations engaged in war to-day would be speedily brought to starvation point. It would be utterly impossible for their armies to be fed, and so great would be the needs and necessity of the working masses there that the cry for bread would drown out all thought of war. It may be said that this would be a severe measure to take in the name of peace, but it would be merciful indeed compared to the atrocities and destruction and death which the furnishing of such food products enables these countries to continue in this abominable warfare.

Of course we would lose, on the surface of things, much money by shutting off the volume of our food supplies in this way. But in the long run we could well afford to do this very thing, for a large share of the destruction and poverty due to this warfare has been and will be distributed to us now and in years to come. We have already levied a huge "war tax" against ourselves on account of this European war. As for our own needs and necessities, we are not obliged to buy a dollar's worth of anything from Europe to-day. We can provide from our own broad areas and magnificent resources everything of absolute need for our own welfare and necessity.

If commerce between this country and the warring nations should be absolutely brought to a standstill, for the reasons above referred to, we should show ourselves to be the noblest nation that ever existed on this earth—and the present European warfare would be ended and a long step taken toward the establishment of universal peace.

Under our Constitution no export taxes nor duties can be laid. Whether or not Congress could make a law forbidding the furnishing of munitions of war and supplies of any or of all nature to the warring nations is a thing which has never yet been determined nor discussed. But that question will soon come up, and the manner in which it is discussed and decided will test the sincerity and honesty of the American people in this their almost universal prayers here being expressed for the cessation of European warfare.

The question will come up in the consideration to be made in Congress upon Senate bill 6862, just introduced by Senator WORKS, of California, the main feature of which is outlined in the following clause:

"Be it enacted, etc., That it shall be unlawful for any person, corporation, or association, a citizen or resident of, or doing business in the United States, to contract for, sell, supply, or furnish to any nation engaged in war, or its armies or soldiers, any food, clothing, supplies, arms, ammunition, horses, or war supplies of any kind, whether the same be contraband of war or not."

Mr. WORKS. In view of the consequences of delay and the continued supply of these munitions to the armies of the belligerent nations, I simply want to appeal to the chairman of the Committee on Foreign Relations to bring this matter to the attention of his committee at an early date so that it may receive fair and prompt consideration.

The VICE PRESIDENT. The morning business is closed.

#### ORDER OF BUSINESS.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. SMITH of South Carolina. I should like to inquire of the Senator from Missouri before he makes a motion to go into executive session if it is his opinion that the executive session will consume the balance of the day. The reason why I ask the question is because I am very anxious to get the unfinished business, the immigration bill, before the Senate and to push it to a speedy conclusion, whatever that may be. If we can get the executive matter out of the way speedily, I will be very glad to conserve all the time that is possible. I should like to know what the Senator's opinion is as to whether it would consume the balance of the day.

Mr. STONE. I hope not. The condition, the Senator understands, is such that I can not speak with any great degree of certainty in reply to his question. I think the matter ought to be disposed of at once, and I think we had better proceed with it.

Mr. CUMMINS. Before the motion of the Senator from Missouri is put I should like to make a suggestion to him. I do not believe very much progress could be made to-day upon the treaty, for reasons that were understood last night. While I do not intend to put any undue obstruction in the way, I had hoped that the Senator from Missouri would see his way clear to allow this day to pass without an executive session and take up the treaty to-morrow morning, with the idea then of going

right through with it and reaching a vote. I fear that a good deal of time to-day might be, in a sense, wasted.

Mr. STONE. Mr. President, of course I do not wish to waste time. I know that the Senator from South Carolina and other Senators are anxious to proceed as speedily as may be with the bill to which he refers. I have no wish to stand in the way or to obstruct the consideration of that measure. I can not understand why there should be any long delay in getting a vote upon the convention or treaty. I asked yesterday that we should agree upon a time to vote, and I was unable to get unanimous consent for the day I named—Thursday, I think it was. I will ask now if I can have unanimous consent for a vote. I will ask unanimous consent that we shall take a vote on the resolutions pending or any amendments thereto on Saturday next, beginning at 3 o'clock. If that is done, I shall not ask for an executive session to-day and will let the matter go over until to-morrow, awaiting the presence of the Senator from Wisconsin [Mr. LA FOLLETTE], who, as I am informed, desires to be heard on the subject before action is taken. I have every wish in the world to accommodate him. If this unanimous consent is given, the Senate will have, and the Senator from Wisconsin will have, Wednesday and a part of Thursday, such part of it as is not taken up by the special order which I think the Senator from Georgia [Mr. SMITH] has had fixed for that day, Friday, and Saturday until the time of voting. That would practically give three days for the consideration of the matter. Will the Senator from Iowa agree to that?

Mr. CUMMINS. Mr. President, the first suggestion I have to make is that the request, under the vote which the Senate passed a day or two ago, ought to be made in executive session rather than in open session. I should be very glad to have this matter considered in open session, but the Senate has voted otherwise.

Mr. STONE. I think the criticism of the Senator from Iowa is well taken, and that that ought to be done.

Mr. CUMMINS. I have no objection to telling the Senator from Missouri exactly how I feel about the matter.

This treaty affects directly and very substantially the bill we passed last October known as the seamen's bill. Everybody recognizes that; everybody admits it. The Senator from Wisconsin [Mr. LA FOLLETTE] is the author of that bill; he is not here, but will be here to-night; and I feel that no such agreement should be made in his absence. I am sure the Senator from Missouri will understand my position about that. So far as I am concerned nothing could please me more than to have an agreement to take a vote next Saturday; indeed, I see no reason for prolonging it even that far, but I do not feel under the circumstances that an agreement should be entered into until we have the presence of the Senator from Wisconsin, assuming that he will be here to-morrow morning.

Mr. STONE. Mr. President, I have not any doubt the Senator from Iowa is addressing the Senate with the utmost good faith and sincerity, and I think under the circumstances—

Mr. SMITH of South Carolina. May I ask the Senator from Missouri what is his proposition—that we begin on Thursday at 3 o'clock and reach a vote not later than when?

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. GALLINGER. It is that a matter that is purely executive is being discussed in open session.

The VICE PRESIDENT. The Chair has been so impressed, and would have long ago so ruled had the question been raised. This discussion is not in order in the open session of the Senate.

Mr. STONE. I think the Chair is entirely correct in that. Therefore I was about to remark, Mr. President, that under the circumstances I shall not move an executive session at this time.

#### REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. Mr. President, as the Senator from Missouri does not intend to make the motion to proceed to the consideration of executive business, I move that the Senate proceed to the consideration of the immigration bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. In section 9, page 18, line 23, before the word "physical," the Committee on Immigration propose to strike out the words "mental or," so as to read:



It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, one moment, before that amendment is adopted.

The VICE PRESIDENT. The statement of the Chair in reference to the amendment is withdrawn.

Mr. REED. Mr. President, we have previously had under discussion a provision somewhat similar to this, and it was referred back to the committee, I believe, at the committee's request. I wish to ask the chairman of the committee, before we pass upon the amendment—

Mr. SMITH of South Carolina. There is a difference in this case, Mr. President. The other clause had reference to the contract-labor law, while this has reference to the examination of aliens who come in. It imposes a restriction on those who bring them in, whereby under certain circumstances they are excluded. This provision has reference entirely to the fitness of such aliens physically and has no reference to the contract-labor law at all. The words "mental or" are proposed to be stricken out because there are already incorporated in the bill certain provisions with reference to the mental fitness of aliens proposed to be brought to this country. It will be remembered that previously we had some discussion in reference to "psychopathic inferiority," and so forth. This comes under that clause. Therefore, that having been provided for, the words "mental or" are proposed to be stricken out, and this clause is restricted purely to physical fitness.

Mr. REED. Mr. President, the physical features of this section, or, to state it more correctly, the provisions of the section relating to the physical conditions, are as much covered by the clauses in the preceding section to which the Senator from South Carolina has reference as are the mental qualifications covered by that same section. If it is necessary to have this section in order to protect us against those who are physically deficient, it ought to be equally necessary to have it in order to protect us against those who are mentally deficient.

Mr. SMITH of South Carolina. I beg to call the attention of the Senator from Missouri to the fact that this applies to transportation companies, and that there is ample provision made in the different sections of the bill, iterating and reiterating the fact that aliens will be examined to ascertain their mental capacity. It is hardly fair to impose upon the steamship companies, as set forth in this provision, the penalty for bringing in aliens who are mentally defective that would accrue in cases where there are physical defects which can easily be detected and are detected at the port of embarkation. Therefore, as I say, if the Senator from Missouri has properly read and digested the bill, he will realize that ample provision is made for the exclusion of those mentally deficient as well as those who are physically deficient.

Mr. REED. Now, Mr. President, I do not agree with the Senator. Reading the context—

Mr. SMITH of South Carolina. I suggest that the Senator read section 9.

Mr. REED. The section is directed against the transportation companies, and it provides that it shall be unlawful to bring from a foreign country to this country—

Any alien afflicted with idiosyncrasy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease.

That is the prohibitive clause. The second clause, the one now under consideration, provides:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

Mr. SMITH of South Carolina. Now, if the Senator from Missouri—

Mr. REED. Just one moment, Mr. President. With all the courtesy in the world to the Senator, I should like to finish my sentence. The prohibitive clauses which precede this, so far as they apply to mental conditions, are limited to insanity, imbecility, feeble-mindedness, epilepsy, and constitutional psychopathic inferiority, and also relate to physical defects.

Mr. SMITH of South Carolina. Now, Mr. President, if the Senator from Missouri will allow me—

Mr. REED. Mr. President, I will allow the Senator when I have concluded my sentence.

The VICE PRESIDENT. The Senator from Missouri has the floor, and has twice refused to yield.

Mr. REED. I will yield in a moment, but not just now.

Mr. SMITH of South Carolina. Take all the time you want.

Mr. REED. Mr. President, I intend to take all the time I want if the Senator desires to be discourteous, because he is proceeding by my courtesy and I am not proceeding by his.

If the term "mental" is stricken out in this provision, there may be a doubt introduced into the bill as to certain ailments. The question may arise whether or not they are covered by the terms of the bill. If the clause is left in as it was written in the House, that doubt will be removed. If the clause here is to be stricken out as to mental defects, then the whole of the clause relating to physical and mental defects should be stricken out for the same reason.

The Senator has stated that the reason the word "mental" is stricken out is because it may be difficult to discover a mental ailment. It certainly is no more difficult to discover an ordinary mental ailment than it is to discover constitutional psychopathic inferiority, which is left in the bill and which, if I understand the term or if the committee understands the term or if anybody understands the term—and nobody appears to understand the term—is in some vague, indefinite, and nebulous manner intended to refer to some sort of hereditary taints. So that it seems to me the term "mental" ought to be left in this bill at this point or else we ought to exempt these aliens entirely from any examination with reference to any character of mental diseases, whether psychopathic or whatever kind they may be.

Now I will yield to the Senator very gladly for any interruption he desires to make.

Mr. SMITH of South Carolina. Mr. President, I am very much obliged to the Senator for his courtesy, and I most abjectly apologize to him for my failure to draw the proper line of demarcation in interrupting him. I was a little hasty, perhaps, a moment ago in seeking to make the explanation.

I should like to state to the Senator that the reasons given for striking out the words "mental or," on page 5, line 5, are these: The committee in its report, after having gone over all these matters, makes this statement:

On page 5, line 8, strike out the words "mental or," so as to make the factor that determines rejection of the mentally defective the mere existence of the defect, not, as with the physically defective, the question whether the defect affects earning capacity.

An alien coming into this country when he is mentally defective is rejected because of the mere existence of the defect. He may not be afflicted with a loathsome or contagious disease; he may be physically defective, but yet not to the extent of affecting either his mental or earning capacity. In that case he is admitted. If he is so physically defective that he is likely to become a public charge, then he is rejected; but the words "mental or" in this case were stricken out so as not in any way to raise a question or jeopardize the preceding clauses and sections of the bill which provide for the rejection of an immigrant who is at all mentally defective.

The amendment is recommended for the purpose of clearness, and is designed to restrict that provision to the physically defective, giving the right to determine whether the physical defect affects the immigrant's earning capacity. If it does not, as I have said, he comes in, while if it does he is rejected; but if he is mentally defective, as set forth in the first part of the bill where ample provision is made concerning those mentally defective, he is rejected.

Mr. REED. Mr. President, that does not follow at all. There are many forms of mental ailments that are not covered by the specifications found in lines 5 and 6, which I read a few moments ago. The word "mental" ought to remain in the bill. It does not militate against nor limit, but rather extends, the meaning of the preceding phrase. Striking it out must mean that the committee is of the opinion that we ought to receive into this country all kinds of mentally defectives, unless they are afflicted with constitutional psychopathic inferiority, or insanity, or imbecility, or feeble-mindedness. At the same time that we are writing into the bill a provision excluding those who are not educated, we propose by this amendment to admit those who are mentally unsound if they do not come within the specific classification set forth in lines 5 and 6.

It seems to me that it introduces an element of doubt into the bill; it weakens the bill; and while I am opposed to the educational test I certainly am opposed to admitting into this country persons afflicted with any form of mental disease. I do not think we ought to make the United States the harbor and refuge and dumping ground of those who may be afflicted with some form of mental disorder that is not specifically named in the bill. If we are going back to exclude those who are afflicted with constitutional psychopathic inferiority, we ought

to exclude those who are afflicted with any other kind of mental inferiority; for it is as bad to be feeble-minded or idiotic by your own act or by your own misfortune as it is to be by heredity and by virtue of the sins of your ancestors or their misfortunes. So I think the word ought to stay in.

Mr. SMITH of South Carolina. Mr. President, in order that the Senate may not be confused at all, I hope every Senator will read section 9. It is very apparent that the section covers all possible cases of such mental defects as might perpetuate themselves after the alien has come into this country. It does not appear that physical disability, such as contagious disease, and so forth, has been so fully covered that one physically unable to earn a living would be excluded. He is not afflicted with any mental disease; he is not afflicted with any contagious disease, but has a physical defect which might result in his becoming a public charge; and that clause was put in simply for the purpose of being sure that such persons shall not be admitted. It is already in the existing law.

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect.

Now, the mental part is already amply provided for, and the repetition of it rather confuses the purport of this clause. Its purport is that when one is neither mentally nor physically incapacitated, from the standpoint of a disease or otherwise, except in such a way as might incapacitate him from earning a living and render him likely to become a public charge, then it is unlawful for him to come in. Our immigration officials have inspected him; he has passed the mental test; he has passed the disease test, but upon examination he is found to have some physical defect that is neither a disease nor a mental aberration and therefore is likely to become a public charge.

The committee and those in charge of framing this bill were doing their best to preserve as nearly as possible the standard of citizenship from a mental and physical standpoint. Striking out the words "mental or" does not in any sense of the word show any disposition to allow one mentally defective to come into the country, in that we have amply provided for it elsewhere and have restricted this clause to what might have been overlooked in the preceding clauses—that some one otherwise admissible might possibly become a public charge.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. I ask for a roll call, Mr. President.

Mr. GRONNA. Mr. President, before the vote is taken, if I may be permitted, I wish to make just a few observations.

I think the provision in this bill excludes any person with any physical defects. I desire to ask the chairman if it is not his understanding that the provision which we now have under consideration simply means that a person may have an affliction and yet, if he is able to earn a living, the Commissioner of Immigration or the Secretary of Labor may permit such a person to enter. That was my understanding when this provision was discussed, and I should like to ask the chairman of the committee if I correctly understand it.

I will put my inquiry in another form. When this provision was taken up I understood that it was simply a limitation. A person may have a physical defect, but if it is believed that he is capable of earning a living he may be permitted to enter. Is not that correct?

Mr. SMITH of South Carolina. Why, of course; that is right.

Mr. REED. Mr. President, I should like to ask the Senator a question, and I will make a preliminary statement. A reading of the section will make plain the effect of this amendment:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living.

If you should strike out the word "physical," then a man physically unable to earn a living could come in. If you strike out the word "mental," then one mentally unable to earn a living could come in. By striking out the word "mental," you leave it open to admit to this country those who are mentally unable to earn a living, while excluding those who are physically unable to earn a living.

That is the effect of this amendment. If it is fully covered before, it is not more fully covered than the physical requirements are fully covered.

I am opposed to striking out any provision of this bill which requires a man to be of sound mind, sound brain, sound intellect, when he comes to this country. The effect of this amendment is to exclude the physically deficient and admit the mentally deficient, all of which is in the interest of a higher civilization.

Mr. CHAMBERLAIN. Mr. President, it seems to me the position taken by the Senator from Missouri [Mr. REED] is eminently correct. I think it will be found that at most of the ports of entry many foreign vessels that come in bring those who are mentally defective and land them on our shores. I know it has been our experience in Oregon.

Mr. SMITH of South Carolina. If the Senator from Oregon will read section 9 in its entirety, together with other sections, he will find that ample legislation is proposed to be enacted to exclude the mentally defective. Such ample legislation is not proposed as to exclude all the physically defective. Therefore this provision is put in.

We have already provided for all possible mental contingencies. Now we say that those who are mentally sound and physically sound, who have not a disease that is contagious or dangerous, who have not any mental defects, but who may be physically unable to earn a living from the loss of an arm, the loss of a leg, or something of that kind, shall be excluded. If in the judgment of the inspecting officer the person is physically defective in such a way that he is likely to become a public charge, he is to be excluded.

I hope the Senator from Oregon will not get the idea that we have not made all possible provision for the inspection and rejection of all mentally defective persons. In order to have it clear-cut that we wanted to exclude from this country those who were physically unable to earn a living we put in this provision.

Mr. CHAMBERLAIN. But I should like to ask the Senator why he makes an exception in that particular part of the section in favor of those who may be mentally defective?

Mr. SMITH of South Carolina. Because the committee were of the opinion that we had already covered every possible mental contingency.

Mr. CHAMBERLAIN. Then it certainly can do no harm to leave it in there as a matter of precaution. I hope the committee amendment will be rejected.

Mr. GRONNA. Mr. President, if the Senator will refer to section 3, on page 4 of the bill, he will find that the matter is fully covered. It reads:

That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons—

And so on. Now, an alien sound in mind, but who may have lost a limb, a finger, or who may have some other defect or ailment, yet may be perfectly capable of earning a living. That is the reason why the provision was put in the bill; but we struck out the word "mental." The committee were of the opinion that any person who was not mentally sound should not be admitted; that if his mind was defective he should not be admitted; but he may have lost a limb or lost a finger or a hand and still may be capable of earning a living. That is what this amendment means, and all this provision means.

Mr. LANE. Mr. President, if you intend to keep out of this country people who are mentally defective, I do not see why you should strike out the provision which does exclude them.

It is known to be a fact—not susceptible of proof, however, I guess—that quite a large number of mentally defective persons are shipped into this country. They are rather encouraged to emigrate from other countries, and New York and other seaboard States receive quite a number of such immigrants whom they soon have to place in insane asylums and take care of for the remainder of their lives. There are some States so unkindly as to ship their insane persons into adjoining States, and we have passed laws in Oregon putting a stop to that. It has become a great burden.

If there is any doubt that this bill will exclude that class of immigrants, the words under discussion should be left in the bill. Why do you strike out the words that specifically exclude mentally defective persons if you are trying to exclude them?

Mr. GRONNA. If the Senator will read the whole clause, he will find that even if these words are stricken out those who are mentally unsound can not be admitted.

Mr. LANE. Yes; such persons as you define are excluded. Here, however, is a broader term, which covers all defects of mentality; and when you come to that broader term it takes in all of the others, and is the only term necessary for you to use. I am not speaking to the Senator personally, but impersonally. The committee strikes out that comprehensive term and confines itself to certain specific definitions of the types of mental defect against which it wishes to pass a law of exclusion.

It seems to me that if you are to strike out anything you should begin on your psychopathic constitutional inferiority, epileptics, feeble-minded persons, imbeciles, idiots, and other forms and types of mental defects, some of which are hard to



define, and cover the matter with the broad and comprehensive term of a mental defect. That will cover them all.

That attracted my attention. The chairman says that a man may be mentally defective, and yet, provided he can earn a living, he can still come into this country; but if he can not earn a living, or has failed to show his ability to do so, the bill will exclude him. If the ability to accumulate money is to be a test, neither Thomas Jefferson nor George Washington, if they had tried to emigrate to this country, could have been admitted, for they lost money in their business; and the blessed Savior himself never would have gotten within the 3-mile limit.

Mr. SMITH of South Carolina. Mr. President, I am sure the Senator from Oregon wants to quote me correctly. I did not say that a person might be mentally defective and yet earn a living. However, I do not desire to discuss that phase of the question longer, but simply to add the testimony of a member of the splendid profession of which the Senator from Oregon [Mr. LANE] is also a member.

Some of the leading physicians in New York and Massachusetts, as well as in the Northern and New England States, have compiled statistics to show that the increase of insanity among immigrants is appalling, and has become a tremendous burden upon the taxpayers of the States in which are located the large ports where these immigrants come. In order that the immigration officials might have ample authority of law to reject anyone who has in him a hereditary taint that might at any time reproduce itself in a violent form, they incorporated in the bill this term, so very appalling and startling to the layman, "constitutional psychopathic inferiority."

With the permission of the Senate, I should like to read a statement from Dr. Salmon, of the National Committee for Mental Hygiene, explanatory of a quite lengthy document that has been sent in, using very numerous technical terms, all of which I am quite sure are to the point when properly understood. At any rate, I take it for granted that these physicians, who came in contact with the appalling conditions that the committee were convinced exist in the hospitals of the insane and mentally defective in the States and in the places to which I have referred, have collaborated with the committee in order to protect to the fullest possible extent the continuance of this very burdensome and dangerous immigration. Dr. Salmon says:

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,  
50 Union Square, New York City, December 12, 1914.

Hon. ELLISON D. SMITH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: My attention has been called to the debate in the Senate December 10, 1914, on the proposed amendment to the immigration law which adds "constitutional psychopathic inferiority" to the excludable conditions.

This is one of the amendments which was suggested by a number of officials dealing with insanity and mental deficiency in the different States and by bodies of alienists last winter. It has been urged by the National Committee for Mental Hygiene, the American Medico-Psychological Association, the New York Psychiatric Society, the National Association for the Study of Epilepsy, the mental hygiene committee of the New York State Charities Aid Association, and a number of State medical societies. It was also recommended by Dr. Spencer L. Dawes in his report to the governor of New York as special commissioner on the alien insane; by Dr. L. Vernon Briggs, representing the Massachusetts State Board of Insanity; by Dr. Frank Woodbury, representing the committee in lunacy of the Pennsylvania State Board of Charities; and by Dr. Hugh Young, representing the Maryland State Lunacy Commission.

It is felt by all who have devoted especial study to the matter that the elimination of any of the amendments proposed for the exclusion of insane and mentally defective immigrants would be a distinct loss, for all of them were suggested only after very careful study of the problem at ports of entry and in public institutions of the United States which bear the heavy burden of the care of insane and mentally defective aliens.

Respectfully, yours,

THOMAS W. SALMON.

Therefore, as they know more perfectly than I, or any layman, the proper terms to use to exclude that class who come under their observation as placing a burden upon the taxpayers and upon the charity commissions and become a menace to the future population of this country, we have incorporated it at their suggestion and upon their assertion that it is sufficient.

Mr. LANE. Mr. President, in reply I will say I am not objecting to the incorporation of those terms, but later along the larger and more full term which covers all mental defects is stricken out.

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any—

The words "mental or" are stricken out—

physical defect of a nature which may affect his ability to earn a living.

It seems to me that by leaving in the word "mental" it would enlarge the scope of the bill. If it was intended to exclude mentally defective persons, why not leave it in?

Mr. GRONNA. Mr. President—

THE VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. Certainly.

Mr. GRONNA. The Senator, I think, misapprehends the meaning of this language. It was intended to give to the immigration authorities some discretion with reference to physical defects, but by striking out the words "mental or" they will be given no discretion, but will have to exclude all who are mentally defective. That is provided for in section 3. If the word "mental" which is in the bill is not stricken out, then aliens whose minds are defective may be permitted to land. By striking it out, they will not be permitted to land in this country. That is the effect of this language.

Mr. LANE. One of the most intelligent men I ever knew, one of the most accomplished and kindly men, a man who could earn his living anywhere, for 11 months in the year was as sane as anybody, but the other 30 days in the year he was the handiest and most accurate person with a butcher knife at a jugular vein that there was extant, and such a man could pass the immigration authorities under the terms of this bill. That man could earn a living, but he was an expensive proposition and dangerous withal. He was not suffering from any psychopathic constitutional inferiority. He was born as good as the next man, and with real blue blood in his veins, but at certain periods a form of circular insanity seized him and he was an interesting neighbor.

Mr. GRONNA. This provision simply seeks to keep out such men as that. We want immigrants who are sane for 12 months during the year and not for only 11 months. That is the idea.

Mr. LANE. He was mentally defective, but not under the terms of this bill. I think you had better leave in the word "mentally." That is my impression. I may be mistaken.

Mr. DILLINGHAM. Mr. President, the discussion has proceeded to some extent upon the theory that section 9, on page 18, is the section which recites the classes which are to be excluded; but that is not the fact. Section 3 of the bill contains a list of the excluded classes. Section 9 treats wholly upon the question of the examination of those making application for admission into the United States. I should like to call attention to a fact which has been overlooked to some extent, that this relates to the examination which is to be made on the other side of the water by the steamship companies before bringing immigrants to this country. Section 9 reads:

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation—

This is the clause to which I wish to call attention—

and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each and every violation of the provisions of this section.

It will be seen that this provision relates to the duty of the steamship company in making the examination at the port of embarkation and is limited to the diseases which are mentioned in the clause from which I have read.

Now, then, we come to the second proposition, which is that—

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act.

In that case a penalty of \$25 is imposed. This section defines the two classes of cases. The former section covers every kind of mental defect, and if that might have been discovered by a competent medical examination at the port of embarkation and yet the person is brought in here the steamship company is fined \$200.

Now, we come to the second proposition. The committee thought it best to strike out the word "mental" and make it apply to purely physical defects of a nature which might affect the ability to earn a living in order to make it certain, clear, and distinct, and so that there should be no misapprehension as to the nature of it. For that reason I favored the amendment.

I wish to say in this connection that there are no provisions in the bill that I feel are more important than those contained in this section, because, with the more than a million of immigrants who are coming to this country every year, the burden of the examination at all our ports becomes not only expensive but difficult. It has to be conducted with a certain degree of haste, particularly when we have from 3,000 to 4,000 to be examined

in a single day at Ellis Island. We have here a proposition that is better than having Government officers stationed at the ports abroad, because with this penalty of \$200 upon every steamship company that violates the provision and brings a person whose condition might have been discovered by competent medical examination, we have compelled them to establish a corps of medical officers at every port of embarkation in Europe. Not only that, but the effect of it has been that these examinations have left at those ports such large numbers that the German Government has been compelled, in order to protect itself from caring for such people, to establish along the border of Germany control stations, so called, at which persons coming from Russia or Austria or Italy or any other country to take German lines of steamers coming to the United States are compelled to pass an examination by surgeons who are paid for by the steamship companies. The result has been that in a single year we have excluded of the defective classes through those examinations 40,000 intended immigrants.

Now, with this explanation it will be seen why the committee struck out the word "mental." They laid a penalty of \$200 upon the steamship company bringing in any of that class, and here they are laying a penalty of \$25 for bringing in any person who has a physical defect, the nature of which might affect the ability of the alien to earn a living.

I do not consider this particularly important. It is a matter of definition, and one which we thought would make more clear the judgment and the duty of the medical officers who make the examinations abroad.

Mr. LANE. If it does make it more plain, I have no objection to it. It impressed me that it was a restriction. The very interesting lunatic of whom I spoke a few moments ago was an immigrant to this country. He passed the authorities at Ellis Island, and when he made his escape he passed the English authorities and went back home again to make more trouble. I think the provision ought to be made broad and general. If it covers the ground, well and good. It seems to me that we are using restrictive terms instead of broad and general terms which would cover the entire situation.

Mr. REED. Mr. President, I am very sure that I can convince the Senator from North Dakota [Mr. GRONNA] that these words ought to remain in the bill and that his process of reasoning is erroneous.

Every lawyer knows that the greatest danger in the preparation of any instrument in law is in undertaking to particularize, because when you have particularized you are likely to have omitted some of the very evils you desire to reach. Hence, it is always regarded as the part of wisdom to employ a general term which embraces all the particulars.

Holding that thought in mind a moment, this bill undertakes to particularize. It names idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, and chronic alcoholism. Unless an immigrant is afflicted with one of those specific ailments, he can not be excluded under the terms of the bill. If the bill had contained the general language "or other mental inferiority of such degree as to render him incapable of earning a living," you would then have covered the case as you intended to cover it.

I undertake to say that the terms employed, broad and sweeping as they may appear to be, do not cover all the cases the committee desires to reach and which I, at least, want to have covered. Idiocy is a well-defined term and is indicative of a degree of mental inferiority which renders its victim practically helpless. Feeble-mindedness also is indicative of a condition so low that a man can not be said to be feeble-minded until he is in a condition where he is almost incapable of even taking care of his ordinary physical wants. Epilepsy, of course, we understand, is a well-defined disease or manifestation of a disease, doctors differing upon that. Insanity I need not pause to speak of. As near as I understand the term "constitutional psychopathic inferiority," it covers an inherited taint.

With those terms before the immigration commission, and with nothing else before it, when the officer examines a subject he must find the ground for his exclusion in one of those specific ailments. I do not think he should be so circumscribed. I think that if he discovers a creature is so inferior mentally, from any or all causes or combinations of causes, that he can not earn a living, that individual ought not to be permitted to land upon this soil.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. REED. I do.

Mr. GRONNA. If the Senator will continue reading on page 5, he will find this language:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective.

Mr. REED. Very well; that is the absolute prohibition. Now we come to a penalty section and you omit that language from that section which penalizes the steamship company if it does bring in that class of people. You add the language found in the section which in general terms is already in other sections, and you then seek to fix a penalty upon the steamship company bringing in these defectives. If you had included in this section the language which the Senator from North Dakota has just read, there would be no objection, but instead of including that you are actually striking it out or striking out its equivalent. So you are left in the position of having, in the section to which the Senator referred, excluded all who are mentally inferior; but when you come to penalizing the steamship company you limit the penalty to a violation by it not of the general sweeping clause, but of certain specific inhibitions. You are traveling in a direction exactly opposite to that from which you desire to go.

If the committee will incorporate after the words "chronic alcoholism," or in any other place in this section, the language which the Senator from North Dakota has just read, then I shall make no complaint; but it is not now found there.

Mr. GRONNA. Mr. President, I believe the Senator from Missouri is correct in that statement; I think that language should be added after the word "alcoholism," in line 8, page 18; but certainly it should not be included in line 23, because it is a limitation; it simply gives the authorities a certain discretion. It is certainly my opinion that we should exclude all of those who are mentally unsound; and I believe the Senator is right in saying that the words "mentally defective" should be added after the word "alcoholism," or in some other place.

Mr. REED. If the words to which the Senator has referred are there inserted, I have no further objection, because that leaves the broad, sweeping inhibition of mental defectives, and the penalty which it is the purpose of this section to add, complete.

Then the second provision, which relates only to physical defects, provides a mild penalty. If it is in order, I suggest that the Senator from North Dakota might at this time offer the language he has just read. I have it not before me and did not catch the phrase as the Senator read it.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I yield.

Mr. SMITH of South Carolina. If the Senator from North Dakota [Mr. GRONNA] will refresh his memory a bit, he will recall that this very phase of the question was discussed in committee. It was suggested that there might possibly be some mental defect that would escape observation either at the time of the foreign inspection or of the American inspection which the steamship company hereby proposed to be mulcted could not possibly detect, but which might manifest itself after the immigrant arrived. I hardly think it would be fair to incorporate a confusing and bungling provision under which a defect which it was practically impossible for those abroad to detect should be made the basis of a penalty when in all good faith the transportation company was attempting to comply with the provisions of the law.

Mr. REED. Mr. President, I hope the Senator from South Carolina will not characterize the phraseology which the committee itself has put into this bill, and which the Senator from North Dakota [Mr. GRONNA] is about to offer as an amendment, as bungling language. It was good enough for the committee to put into the bill at another place, and it ought to be sufficiently clear and lucid to adopt at this point.

So far, however, as the question of hardship to the steamship companies is concerned, I will say it is very much easier to discover a general condition of mental inferiority and stupidity and deficiency than it is to discover insanity, because insanity manifests itself in a thousand forms. Men walk the streets of every city of the United States and transact business who are afflicted with well-known forms of insanity.

It is also much easier to discover a condition of mental inferiority and stupidity, which is manifest all the time, than it is to discover epilepsy. There is no test known to the medical world that will enable any physician on earth to say whether a man is afflicted with epilepsy, particularly during its earlier stages, except the manifestation of a seizure itself. You can



not get at it by feeling the pulse or looking at the tongue or examining the eye or the blood of the patient. Indeed, it is disputed to-day among the most learned physicians whether epilepsy is not merely a symptom of some other disorder, and what that disorder may be has never been determined. About all the medical world knows is that at recurring intervals the patient is seized with what we commonly denominate a fit. So the reason given by the Senator from South Carolina that the steamship company might be overreached and misled and might err through inadvertence and mistake applies a thousand-fold more to the language which the committee has already adopted, and for the violation of the provisions of which the steamship company is to be heavily mulcted, than it does to the mere question of general stupidity and inferiority.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I yield.

Mr. POINDEXTER. As to the question which the Senator from Missouri is discussing, the injustice to the steamship company of penalizing them for bringing over a mentally defective person, which the Senator from South Carolina [Mr. SMITH] says they might not be able to discover, I should like to call attention to the fact that it is all covered by the language of section 9, beginning in line 10. This condition is attached to the provision:

And if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time—

That would apply to mental defectives if the amendment suggested by the Senator from Missouri and by the Senator from North Dakota were adopted.

Mr. REED. I think the Senator's observations are absolutely just, and I suggest that the Senator from North Dakota might well offer that amendment at this time. If it is adopted, I shall have no further objection.

Mr. GRONNA. I wish to say that we are considering the amendment on line 23, and while I should be very glad to vote for an amendment adding the words "mentally defective," after the word "alcoholism," I hardly think it would be in order at this time.

Mr. REED. It would be in order unless somebody should make a point of order against it.

Mr. GRONNA. I will be very glad to offer it, and I offer it now.

Mr. SMITH of South Carolina. Mr. President, I suggest that the amendment be passed over, and in the regular order of business, when the committee amendments have been disposed of, then any amendment will be in order.

The PRESIDING OFFICER. The Chair will state that the amendment proposed by the Senator from North Dakota, in line 8, would be an amendment to the committee amendment, and therefore would be in order.

Mr. GRONNA. The chairman of the committee has asked that the whole section go over, as I understand, with all amendments. That is perfectly satisfactory to me.

Mr. SMITH of South Carolina. I ask simply that the amendment now pending may be passed over.

Mr. REED. Mr. President, before it is passed over I wish to suggest to the Senator who is in charge of the bill that if the amendment suggested by the Senator from North Dakota is not hereafter adopted, then the section could be made very clear by adding, after the word "mental," in line 23, the words "defect other than those above specifically named," so that it would read:

It shall also be unlawful for any such person to bring to any port of the United States any alien affected with any mental defect other than those above specifically named or physical defect of a nature which may affect his ability to earn a living.

That would make the language clear, and I suggest it at this time for the consideration of the committee.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over for the present. The Secretary will state the next amendment.

The SECRETARY. In section 9, page 19, line 5, before the word "physical," it is proposed by the committee to strike out the words "mental or."

Mr. SMITH of South Carolina. I ask that that amendment may also be passed over.

The PRESIDING OFFICER. The amendment will be passed over, in the absence of objection.

The next amendment was, in section 9, page 20, line 3, after the word "fine," to strike out "and costs, such sum to be named by the Secretary of Labor," so as to read:

And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. REED. Mr. President, I should like to ask the chairman of the committee why those words should be stricken out?

Mr. SMITH of South Carolina. For the simple reason that no costs are involved in assessing an administrative fine.

Mr. REED. I am not sure but that the Government might be put to great expense. However, I do not desire to make a point as to the amendment.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

The next amendment was, in section 10, page 20, line 5, after the word "the," to strike out "mandatory and unqualified"; in line 7, after the word "lines," to strike out "other than those lines"; in line 10, after the words "alien to," to insert "or providing a means for an alien to come to"; in line 15, after the word "such," to insert "person"; in line 22, after the word "the," to insert "person"; and in line 23, before the word "penalty," to strike out "pecuniary," so as to read:

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines which may enter into a contract as provided in section 23 of this act, bringing an alien to or providing a means for an alien to come to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such person, owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than \$100 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, a penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

SEC. 11. That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers or passengers other than first and second cabin passengers between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company, owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or com-

manding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.

And in lieu thereof to insert:

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REED. Mr. President, I observe there is a very radical difference between the amendment proposed by the committee and section 11, for which it is a substitute. From the somewhat hasty examination I have been able to give these two sections, it seems to me they are worthy of very careful consideration by the Senate. Section 11 as passed by the House provided:

That whenever he may deem such action necessary the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and report the same to the proper United States officials at ports of landing. Whenever the Secretary of Labor so directs, a surgeon of the United States Public Health Service, detailed to the Immigration Service, not lower in rank than a passed assistant surgeon, shall be received and carried on any vessel transporting immigrant or emigrant passengers or passengers other than first and second cabin passengers between ports of the United States and foreign ports. Such surgeon shall be permitted to investigate and examine the condition of all immigrant and emigrant passengers in relation to any provisions of the laws regulating the immigration of aliens into the United States and such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea, and shall immediately report any violation of said laws to the master or commanding officer of the vessel, and shall also report said violations to the Secretary of Labor within 24 hours after the arrival of the vessel at the port of entry in the United States. Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board. Such surgeon on arrival at ports of the United States shall also, if requested by the examining board, furnish any information he may possess in regard to immigrants arriving on the vessel to which he has been detailed. While on duty such surgeons shall wear the prescribed uniform of their service and shall be provided with first-class accommodations on such vessel at the expense of the appropriation for the enforcement of this act. For every violation of this section any person, including any transportation company owning or operating the vessel in which such violation occurs shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, or surgeon to be received on board such vessel, as provided in this section, and also the refusal of the master or commanding officer of any such vessel to permit the inspections and visits of any such surgeon, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.

Mr. President, that provision is stricken out of the bill, and in lieu of it is inserted the mere right of detention of the immigrant when he arrives—a right which exists under the present law and has been exercised for many years.

I have the temerity to suggest to the Senate that this provision which has been stricken out is the best provision that was in this bill for the purpose of protecting the people of this country against the admission of aliens who ought not to be allowed to land. It gives an opportunity for real observation and real inspection. It gives the Secretary and the immigration inspectors the opportunity to place their agents immediately among these emigrants when they leave the other side, to keep them there during the entire voyage, to observe the condition of their health, their sanitary condition, their general fitness for citizenship, their disposition toward this country. A multitude of facts can be thus gathered which would be of the greatest service and value to our immigration inspectors in passing finally upon the right of an applicant for admission. Indeed, this is the first practical suggestion I have ever heard of being offered which goes to the very root of the discovery of the fitness or unfitness of an emigrant to land in this country.

Under the conditions as they exist a swarm of emigrants come down to a European dock, are hastily examined, bundled into the vessel, carried across the ocean, and here they are examined, so we have been informed this morning, at the rate of 40,000 a day. An inspection of that kind can not be a close inspection. An inspection of that kind can not determine, in the very nature of things, any question that does not lie immediately upon the surface.

The proposition of the committee, who have brought forward here a bill which they frankly confess is intended to limit immigration into this country, is to strike out of the bill the chiefest safeguard against the admission into the United States of improper characters, because their action takes away from our officials the opportunity for a genuine and thorough inspection.

There is another side of the matter which appeals to me even more strongly. We have been told for years that these poor human beings seeking harbor and refuge in our land are crowded as cattle might be crowded by a cruel owner into quarters that are filthy, foul, unhealthful; that they are mistreated; that they are half fed; and that altogether—and summing it all up in a few words—they are subjected to treatment which would not have been accorded to prisoners upon a felon ship in the sixteenth century. In protest against that kind of treatment this Government passed a law tending to an amelioration of these evil and distressing conditions. This bill as it came from the House provided the means by which this Government could ascertain whether or not these poor people were being granted the protection accorded to them by the letter of the law. It gave to our immigration authorities the right to place on board these vessels their agents, and to place on board these vessels not only ordinary immigration authorities, but men skilled in the knowledge of disease, of sanitation, and of all those questions which affect the health and welfare of the emigrant; and it gave to the medical officials the right to challenge the attention of the commander of the vessel to the conditions, to demand a compliance with the statutes, and inflict a proper punishment of a thousand dollars a day for each day that the laws were defied after notice had been given.

If you pass that sort of a law, there will be no longer any doubt as to the treatment accorded these poor human beings; but the committee strikes it out—the only provision I have seen in this bill that is of a humanitarian character; the only provision I have discovered in this bill that proposes to extend the protecting arm of the Government over poor, helpless human beings; the only provision that will compel obedience by steamship companies to the demands of our law.

Mr. President, I should like to have some good reason given to the Senate for striking out this wholesome provision found in the House bill.

Mr. SMITH of South Carolina. Mr. President, the very good reason is that we do not own the shipping of other countries and have no jurisdiction upon the high seas; and they have objected to this provision as being in contravention of international law. Among those who flatly refused to accede to the exercise of this authority I might mention Austria-Hungary, Denmark, France, Germany, Italy, the Netherlands, Norway, and Spain. They did not object to our having rigid inspection here, and imposing fines, and leaving it to them to determine whether or not they would conform to the requirements; but they did object to our putting quasi American officers aboard foreign ships to interfere with the discharge of official duties by those charged with their performance. We have gone over this section thoroughly, and these objections were transmitted to us through the State Department; and upon the solicitation of our administration, as well as in view of the manifest right of these countries to object to our putting our uniformed officers aboard their vessels, we had to make the best provision we could



to conform to the very humane and patriotic and tender-hearted sympathies of the Senator from Missouri by restricting as much as possible on this side.

Mr. REED. Mr. President, we are engaging in a somewhat absurd performance. We are solemnly discussing a question with 12 Senators in the Chamber. I raise the question of a quorum.

The PRESIDING OFFICER. The Senator from Missouri having raised the question of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Oliver	Smith, Md.
Bristow	Hardwick	Overman	Smith, S. C.
Bryan	Hitchcock	Owen	Smoot
Burton	Hollis	Page	Sterling
Camden	Hughes	Perkins	Sutherland
Catron	James	Pittman	Swanson
Chamberlain	Johnson	Poinexter	Thomas
Chilton	Jones	Ransdell	Thompson
Clapp	Kenyon	Reed	Thornton
Culberson	Kern	Robinson	Townsend
Commins	Lane	Saulsbury	Vardaman
Dillingham	Lea, Tenn.	Shafroth	Walsh
du Pont	Lodge	Sheppard	Warren
Fletcher	McCumber	Shields	Weeks
Gallinger	Martine, N. J.	Simmons	White
Gore	Nelson	Smith, Ga.	Williams

Mr. THORNTON. I wish to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. REED. Mr. President, the Senator in charge of the bill states that the reason why the provision of the House bill which provided for reserving the right to our immigrant authorities to place upon board vessels carrying immigrants inspectors who would accompany the immigrants and ascertain whether they were proper to be admitted into this country, and, further, to ascertain whether they were being humanely treated, had been stricken out was because "we," to quote his language, "do not own the vessels, and because foreign Governments have protested." In this summary way the chairman of the committee disposes of the interrogatory I propounded.

Mr. President, he pays but a poor compliment to the House of Representatives and to its committee when he takes the position that this bill is so absurdly contrived that section 11 was bottomed upon the idea that this Government owned the vessels carrying immigrants to this country. No such absurdity is involved in section 11 as passed by the House. This Government has the right beyond all question, if it sees fit so to do, to deny the right of any vessel to land any immigrant upon our shores; and if it has that right, it has the corresponding right to name the terms and conditions upon which that immigrant shall come. It can require him to be inspected in a foreign country, and yet that does not imply that we own the foreign country. It can require him to come bearing the certificate of an American surgeon granted to him, showing an examination in a foreign country, and prohibit him from landing unless he bears that certificate, and yet that does not imply that we are either the proprietors of the foreign country or that we have invaded its soil. It can require him to be examined aboard the vessel before the vessel enters a harbor of the United States, or it can provide, if that examination is not made, that the immigrant shall not land. It already inspects these individuals while they are aboard a vessel, and the inspection of that vessel in a harbor of the United States no more implies a proprietary interest in it and is no more bottomed upon the principle of ownership than is an inspection 3,000 miles away in the port of a foreign country.

All our rights of every kind and character are bottomed on our primary and sovereign rights to say that no man shall land here unless he comes under certain conditions. We could provide, if we wanted to do it, that he should come here with his head shaved. We could provide, if we wanted to do it, that he should come here wearing a certain character of clothing. We could provide, if we wanted to do it, that he should come here in a suit of clothes made by an American tailor. We can provide for an inspection in our own ports and we can provide for an inspection before the vessel reaches our ports, and while we can not force our officers on that vessel we can say to the owner of the vessel that it shall not touch an American wharf unless it comes here in compliance with the regulations we have laid down, and the vessel owner will then have the option either to comply with our regulations or not to carry immigrants to our shores.

There is no attempt in this bill either to take the command of the vessel away from the captain of the vessel. We have

already provided in our law that a vessel carrying immigrants shall provide certain accommodations for them. Is that an assertion of authority to run the vessel? Not at all. It is the assertion of our authority to say under what conditions people may land on our soil. All our rights are bottomed upon that right, which this Government undoubtedly has, and when we undertake to protect a poor creature coming across the ocean by providing that he shall not be landed unless he comes in a certain way it is utterly absurd to assert that we have thereby trenching upon the authority of the owner of a vessel or upon any right it may have upon the high seas. We simply name the condition upon which these vessels can land passengers in our ports.

Now, so far as the protests of foreign Governments are concerned, I am very little concerned in them, because I know that this Government has the right to name the conditions under which an immigrant shall come. If a foreign Government, probably instigated by a foreign shipowner who wants to make a profit out of human agony and to speculate upon the woes of humanity, has uttered a protest, that is no reason why we should open our doors for the reception of people who may be infected with disease. That is no reason why so wise a provision as is found here in section 11, which I shall read, should be stricken out. I call attention to this language:

Such surgeon shall accompany the master or captain of the vessel in his visits to the sanitary officers of the ports of call during the voyage, and, should contagious or infectious diseases prevail at any port where passengers are received, he shall request all reasonable precautionary measures for the health of persons on board.

Mr. President, does anyone claim that we do not have the full right to say that no immigrant shall be landed upon our shores who comes from a port that is infected with cholera or with the bubonic plague or with any other disease that might spread over our country? If we have the authority to close that port entirely, surely we have the authority to say to any vessel owner who proposes to haul people from that port: "You shall not load them until an American officer has passed upon the question as to whether they are proper to receive and to dump in our country or not."

Suppose that in Mexico the cattle fever was destroying the cattle of that country, and suppose that they were shipping large numbers of them from the port of Vera Cruz to the port of New York, would anyone doubt for a moment that this Government would have the right to say no cattle should be landed from the port of Vera Cruz unless they had been inspected by an American officer in the port of Vera Cruz? It is true that the authorities at Vera Cruz could refuse to allow the officer to act in that port and we would have no redress, but it is also true that when that vessel lands in the port of New York we can say to the master of it: "You shall not unload a single head of cattle because you did not permit the inspection." To deny that is to deny the plain rule of common sense. If it was a question of cattle instead of men and women, if it was a question of veal calves instead of children in arms, I take it that the protests of these foreign Governments and shipowners would not be so readily heeded.

I insist, Mr. President, that the only real inspection there can be, the only inspection that does determine the question of disease or insanity or imbecility, the only inspection that can rightfully determine the habits and conditions of the people, the only inspection that can compel the furnishing of proper accommodations in accordance with the terms of our statute, is that kind of inspection which begins at the foreign port and continues every hour of the day and night until the immigrant is landed upon our shores. The provision in the House bill was a wise, a humane, and a legal provision, and the striking of it from the bill is the emasculation of the measure.

Mr. President, if no one else desires to discuss this matter, I shall ask for a yea-and-nay vote.

Mr. SMITH of South Carolina. Mr. President, attention was called in the remarks of the Senator from Missouri to the fact that this provision had been incorporated by the House and it was stricken out by the Senate committee. It is very well for me to say in this connection that the foreign Governments could have no knowledge of what was proposed to be the legislation until such time as it was reported as a bill. This, from the Secretary of Labor, is explanatory of that situation:

In connection with this amendment attention is directed to a letter (H. R. Doc. No. 703) written the committee of the House by the Secretary of Labor, but apparently received too late to be considered before the bill was reported to the House, and also to a letter written this committee by the Secretary (S. Doc. No. 451, p. 16). On carefully considering this matter the committee concluded that most of the objects contemplated by the section as originally drafted can be accomplished more conveniently under the section proposed as a substitute.

The position taken by the Senator from Missouri and the argument he has used is exactly the argument that governed

the committee, that as we had no power to enforce our regulations aboard ship on the high seas, and that being objected to, our only recourse—as we did not wish to totally prohibit the importation of aliens—was to simply exercise what right and power we have within the territorial waters. We are treating these human beings on the same basis, as far as disease is concerned, to protect from maladies, as that on which we treat cattle.

**THE PRESIDING OFFICER.** The question is on the amendment proposed by the committee.

**MR. REED.** On that I call for the yeas and nays.

The yeas and nays were ordered.

**MR. GALLINGER.** Let the amendment be stated.

**THE PRESIDING OFFICER.** The Secretary will read the pending amendment.

**THE SECRETARY.** It is proposed to strike out section 11 in the House print and to insert—

**MR. SMITH of South Carolina.** If the Senator from New Hampshire will allow me, the committee proposes to strike out section 11, which the House incorporated in the bill, providing that matrons, inspectors, and surgeons shall be placed upon foreign vessels at the port of embarkation to inspect and to exercise quasi official power in regard to the sanitation and inspection of immigrants. I think the Senator was absent at the time when I read the list of the countries who protested against this procedure, in that it was interfering with the exercise of their rights on the high seas. In view of the protests that came to us from those Governments, sent through the proper department of our Government, the committee thought it was best to strike out the section and insert a substitute, as we have no power to enforce the section as passed by the House, as we could do nothing except to prohibit immigration or to fine the vessel, which would lead to international complications. There are letters here from the State Department, and they were placed before the committee, that the House committee, before it incorporated this language, had no way of obtaining, because those Governments were not advised of what was proposed in the legislation until such time as the bill was reported to the House.

Therefore our committee, wishing to put into force the provision, the object being to reach these undesirable and diseased individuals, just rewrote section 11 under the advice of the Immigration Bureau of the Department of Labor, together with the advice of our Department of State. We rewrote the section so as to accomplish really what we intended by placing proper restrictions at the port of entry within our territorial waters, where we have jurisdiction over the subject matter.

**MR. REED.** May I ask the Senator a question?

**THE PRESIDING OFFICER.** The Senator from New Hampshire has the floor.

**MR. GALLINGER.** I presume I correctly understood the Senator from South Carolina to say that, in the judgment of the committee, we have no constitutional right to place those inspectors or matrons, or whatever they may be, on board foreign vessels.

**MR. SMITH of South Carolina.** No; I do not say so. We have a right to demand it, but a foreign Government has the right to refuse it, and some of them have refused to allow our uniformed officers aboard their vessels.

**MR. GALLINGER.** Possibly I am not well informed, because I have not taken any special interest in this debate, but as I understand the law we have officers of our Government at the ports of departure. Have we not?

**MR. SMITH of South Carolina.** I have before me the facts pertaining to that. We have it by the consent of foreign Governments. When any of them would consent, such action could be taken. I will read to the Senator a list of those that have protested.

**MR. GALLINGER.** No; it is sufficient that the Senator should state the fact that protests have been made. I have been wondering why, if they protest against placing these people on the ships to ascertain the important facts concerning immigrants, they do not object to our officials being at the port of departure where they give them an examination that I suppose rejects a greater or less number.

**MR. SMITH of South Carolina.** It must be perfectly apparent to the Senator from New Hampshire, as it is apparent to me, that there is quite a distinction between allowing an officer of this Government to inspect the proposed immigrant in a country from which he is to embark and putting officers on board a ship bringing them here. I am not advised as to why some Governments should allow the one and reject the other, but I know, as the Senator knows, that they have that right. In the one case they had to give their consent to put our inspection officers at their ports, and wherever they agreed to it it was all well and good. If they had refused, we would have

had no power to enforce it. They refused in this case, and our only recourse was to write such a modification of the section as would reach the object sought to be attained.

**MR. GALLINGER.** There is a difference, and yet it seems to me that, so far as foreign Governments are concerned, we are trenching more upon their rights, if they have such rights, to station our officers at the port of departure than on board ship. However that may be, the Senator knows much more about it than I do. My solicitude is that we should surround these incoming emigrants with all the safeguards we possibly can, so as to exclude the undesirable to as great an extent as possible. I have not examined the matter carefully. I hope that the committee, in its wisdom, taking counsel, of course, with the officials of the Government, has surrounded this bill with as many safeguards as the laws and the Constitution and our relations with other Governments enabled them to accomplish.

**MR. SMITH of South Carolina.** I should like to reiterate what I said at the beginning of the discussion of this bill, that the committee having in charge the bill, as well as the committee in the House, I believe, all agree that we have used every means that we knew how to employ to protect the individual as to his comfort and to protect the citizens of the United States from being jeopardized by bringing in contagious diseases and otherwise. To that end the House wrote this section, and when we found that it was impracticable or impolitic and not in accord with the wishes of all the nations with whom we are friendly, we rewrote it, and we rewrote it in such a way as to exercise the fullest authority that we might have within the territorial waters of the United States.

**MR. GALLINGER.** I will ask the Senator if these protests were lodged with the other body during the consideration of the bill there?

**MR. SMITH of South Carolina.** As I said a moment ago, I am advised that they were not. It was after the bill had assumed its form in the House that the protests were made.

**MR. BORAH.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from South Carolina yield to the Senator from Idaho?

**MR. SMITH of South Carolina.** I do.

**MR. BORAH.** Without asking for a reading of the protests, I should like to know in a brief way what were the grounds of the protests. What was the ground of objection to having respectable American citizens on board a foreign vessel?

**MR. SMITH of South Carolina.** I will read to the Senator an extract here which covers that point. I will state that this is from a letter transmitted by the proper official to the committee:

These countries have represented that the placing of inspectors, matrons, and surgeons by the Government of the United States on foreign vessels on the high seas would, first, be contrary to international law, in that it would violate the exclusive jurisdiction which a government exercises over its vessels on the high seas; second, be incompatible with the authority of the master of the ship.

If the Senator will read section 11, he will see that the master of a vessel is required under the House provision to admit the authorities to exercise certain authority on board ship by our surgeons, inspectors, and matrons.

**MR. BORAH.** May I ask the Secretary to read the bill as it will be if we should adopt the proposed amendment of the committee?

**THE PRESIDING OFFICER.** The Secretary will read the proposed amendment.

**MR. SMITH of South Carolina.** Let me ask the Senator if it would not be well, although it would take some time, to read the House provision and then read the Senate amendment, so as to show just what the difference is between the two provisions.

**MR. BORAH.** I am particularly anxious to know what it would be if we should make it as the Senator desires.

**MR. SMITH of South Carolina.** Very good.

**MR. BORAH.** That is, as the Senate will be likely to make it.

**MR. SMITH of South Carolina.** That would save some time.

**THE PRESIDING OFFICER.** The section as proposed by the committee will be read.

The Secretary read as follows:

**SEC. 11.** That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to



the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto.

Mr. WALSH. Mr. President, this amendment as I view it presents very much more than the mere question of the admissibility as a matter of policy of the adoption of the House provision or the substitute offered by the committee. It presents the question as to whether this Government has the right to lay down the conditions upon which a ship plying to one of our ports may bring immigrants to this country from abroad. The House apparently proceeded upon the assumption that there could be no question at all about the right of the Government of the United States to prescribe every detail of the conditions under which a ship might be entitled to enter our ports bringing immigrants to this country.

I understand that the wisdom of the House provision apparently was not questioned nor controverted by the Senate committee; if the power existed the propriety of the House provision seems to have been conceded, but the Senate committee apparently receded from that position upon a suggestion that it was impossible for us to put officers of this Government aboard foreign ships.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Montana permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH. I do.

Mr. SMITH of South Carolina. I do not think the Senator from Montana was present when I gave my explanation of this matter. The reason the Senate committee reported to strike out the House provision was because of foreign Governments refusing to accede to the proposition. I stated fully the reasons, as set forth in communications to the committee, and read them to the Senate. The protests, as I am advised, did not come from foreign Governments until after the bill had been received from the other House and had been reported to the Senate. Then the Secretary of Labor sent a document to the committee, to which the committee referred in its report as follows:

In connection with this amendment attention is directed to a letter (H. R. Doc. No. 703) written the committee of the House by the Secretary of Labor, but apparently received too late to be considered before the bill was reported to the House.

Then when the bill came over to the Senate the proper department, the Department of State, transmitted to us through the proper channel the protests of foreign Governments. We felt that we had the power to forbid the entry of vessels that did not conform to our requirements, but did not wish to debar all immigration or to attempt to force on foreign vessels the presence of uniformed officers, as contemplated by the House provision, who were to exercise certain authority on board ship. By the advice of the administrative branch of the Government having this matter in charge, the Senate committee rewrote the section, having before it certain advices and protests which the House committee apparently did not have; and the section as rewritten was incorporated in the bill. We thought it would accomplish the same result and avoid any friction with foreign Governments.

Mr. WALSH. I understood the Senator from South Carolina substantially in the same way in his earlier statement concerning these matters. The point I desired to make was that apparently some foreign Government has protested against our prescribing just such conditions as we care to prescribe to permit immigrants to enter our ports. It may well be conceded that we can not introduce upon foreign vessels plying to ports other than our own any of our officers. As a matter of course, such vessels would have a perfect right to exclude them. We could not overhaul their ships upon the high seas nor as they were departing from a foreign port and install our officers aboard them. That is not the question at all. Here is a ship that is about to enter an American port bringing immigrants to our country. We may say to her, "You can not come into our ports at all unless you conform to the conditions we prescribe; you shall not be permitted to land any immigrants upon our shores unless you conform to certain requirements." It is not, as it seems to me, quite sufficient, Mr. President, simply to say that some foreign Governments have protested against this provision in the form in which it came to the Senate unless the protest is accompanied by some reasons which address themselves to us as just and equitable.

I can not for the life of me see why foreign Governments should object to the House provision and at the same time feel satisfied with the other provision, except that thus some of the classes of immigrants that it is desired to exclude might be permitted to enter; and I should hardly think—

Mr. SMITH of South Carolina. Was the Senator present when I read the grounds upon which the foreign Governments based their objection? Was he present when I read to the Senate the statement transmitted to our committee?

Mr. WALSH. No; I heard no statement concerning the basis of their protest.

Mr. SMITH of South Carolina. Here is the basis as given to the committee:

In this relation it is proper to refer to the remonstrances against section 11 which have been presented by the Governments of Austria-Hungary, Denmark, France, Germany, Italy, the Netherlands, Norway, and Spain, and which have been transmitted to your committee. In some instances the remonstrances have been repeated.

These countries have represented that the placing of inspectors, matrons, and surgeons by the Government of the United States on foreign vessels on the high seas would (1) be contrary to international law, in that it would violate the exclusive jurisdiction which a Government exercises over its vessels on the high seas.

Mr. WALSH. I do not admit the force of that contention at all.

Mr. SMITH of South Carolina. The statement continues—that it would "be incompatible with the authority of the master of the ship."

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I think it would be very well for me to read the next clause, which sets forth the reasons as stated by the Government of the country from which we receive a greater number of immigrants than from any one nationality:

In the case of Italy it has been pointed out that the Italian Government provides an efficient system of inspection of Italians of the immigrant class departing from or returning to Italy, and that the Italian Government does not permit foreign ships to carry Italian emigrants from Italian ports without having on board Italian commissioners who are physicians in the Royal Navy. This practice may be said to have, aside from any legal view, a certain justification, in that it is desirable for immigrants of a particular race or nationality to be served by physicians or others of their own race or nationality who speak their language and understand their habits and ways of life. It is proper to add that in the case of Italian ships the placing on board of American inspectors, matrons, and surgeons might easily create a conflict of authority, since the Italian Government itself provides for inspection.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I do.

Mr. BORAH. Mr. President, I do not disagree at all with the view which the Senator from Montana [Mr. WALSH] has expressed as to the authority of this Government, but I do not understand—at least it is not necessary to have that understanding in order to support the Senate committee amendment—that the Senate yielded because of the want of authority. It was rather in the hope of adjusting the situation so that there might not be any embarrassment between the powers or any difficulty in executing the law or anything which might give rise to friction. That was the view I supposed the committee took of it. Certainly those of us who are disposed to favor the committee amendment would not want to concede here that it is an acknowledgment of the want of power to do what we are undertaking to do; but if we can accomplish the same thing in a way which will not be calculated to cause ill feeling on the part of other nations, I do not see any reason why we should not do it.

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I wish to say that I am sorry I appear to have been so unfortunate in expressing what was uppermost in my mind. It was not a question of our power to say, "You shall do this or we will not allow you to enter our ports." The committee did not question our power to enact the legislation proposed or that we had the right to enact it. It was a question of our relations with foreign Governments. If we can find a means of accomplishing the same ends without embarrassing ourselves or creating unpleasantness, we thought that the better and proper way to do, and we have so done.

Mr. REED. Mr. President, the Senator from South Carolina now expresses his position, I think, quite differently from the way he expressed it when I asked him the question, in reply to which the Senator said the reason for this legislation was, first, that we did not own these vessels, and, second, that we had no right to enact the House provision, because foreign Governments had protested. As I now understand the Senator—the RECORD will show what took place, and I do not care anything about the

form of statement—he takes the position at least that we are accomplishing the same end without giving offense. That is the very question in dispute. The Senate committee amendment does not give to the immigration officials a single substantial right which they do not possess under the present law. This bill is substantially a reenactment of the present law. It was because the present law has been found ineffective, because it has been discovered that the inspections in our own ports do not bring the desired result, that it was sought to place aboard these vessels agents who would have an opportunity of observation during the voyage.

It was further deemed advisable to so place the immigration agents in order that there might be an observation as to whether or not the vessel was equipped in accordance with the laws of the United States and the passengers accorded that treatment which we all sought to guarantee them by the laws of the United States.

Now, the Senator states that we are accomplishing the same end without giving offense. Manifestly an inspection in a port of the United States, made with the haste that such inspections must be made when there are as many as 40,000 immigrants landing in a day, can not be the equivalent of an inspection aboard ship during an entire voyage; neither can it take the place of the inspection at a port of entry by an officer of the United States, as provided by the House bill.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I want to ask the Senator from Missouri if it is a fact that the present law has been found inefficient and unsatisfactory with reference to these inspections? I have the impression that that was not the defect of the present law. I should be glad to be enlightened if the Senator has information to that effect, I have no definite information on the subject; but I had the impression that the inspection was sufficient and efficient under the present law, and that, although this is practically the reenactment of a present law, the present law in that respect has not been found inefficient. I could imagine, however, that a man traveling with another man for 30 days would know more about him than he would if he merely saw him come into port in a hurry. Whether I shall support the Senate amendment depends upon whether I conclude it is efficient, but not upon the question of lack of power.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. I do.

Mr. DILLINGHAM. I think that the evidence taken before the Immigration Commission, and which is contained in one of the volumes of their report, very clearly indicates that the steerage conditions on certain lines of steamboats were very bad, indeed. There is what we call the "old steerage" and the "new steerage." On the modern vessels the arrangements are very good and the discipline is good also; but there were certain other lines upon which the agents of the commission went as immigrants—they were not known as being connected with the commission, but went as immigrants, dressed as immigrants—and their report made to the commission indicated that the steerage conditions were simply horrible, in very many instances, particularly in relation to sanitation, the treatment of women immigrants by the crews on the vessels, the familiarities that were indulged in, the lack of protection that was given, and things of that character. The recommendation of the commission was that matrons should be provided who would have some knowledge of and be able to report conditions such as I have indicated, with a view to the Government taking action to have them reformed.

The original draft of the bill as it was introduced provided for matrons, who should live in the steerage and who should have no power to interfere with the discipline of the vessels in any way, but might report to the commanding officers of vessels things they did not know in relation to conditions on board, and especially report when they landed as to any information which they might have received.

Then there was another provision that where the Secretary saw fit he might assign medical officers. I think the original draft gave them no power to interfere with the discipline of the vessel, but gave them power to observe and to report, and so forth.

Mr. BORAH. I take it from the Senator's suggestion that he rather favors the House provision?

Mr. DILLINGHAM. I had a good deal to do with drafting it, and I thought that it was within reason.

Mr. BORAH. I have no doubt about our right to exercise this power. The only question that arose in my mind was whether we could accomplish the same thing in another way which would be satisfactory. If we can not, if after the thorough investigation which I know the Senator has given to the subject he feels that the other is a proper way to do it, I would have no doubt about our authority.

Mr. DILLINGHAM. I am perfectly satisfied with this amendment as a beginning. I think that probably we can accomplish practically the same result under the amendment that we could under the original draft, but I think the time may come, unless conditions are improved on certain lines of steamships, when we may be compelled to adopt more drastic legislation.

Mr. REED. Mr. President, I wish to ask the Senator from Vermont what right there is reserved in the amendment proposed by the Senate committee which is not in the present law?

Mr. DILLINGHAM. I do not know that there is any right; but the purpose of this amendment, as I understand it, is to bring to light violations of existing law.

Mr. REED. But there is no clause of that kind that is not in the present law.

Let us understand this matter. Under the present law when a vessel arrives in an American port the immigration officers board it; they are authorized to make an inspection; they determine who may land and who may not land; they can send a portion or all of the immigrants into quarantine; they can detain the vessel in quarantine; all of those things can be done. Now, the provision that is brought in here by the Senate committee does not go, as far as I have been able to observe, one hair's breadth beyond the present law; so that the question that is now presented to the Senate is whether we shall retain the present law or whether we shall enact the House provision, which goes much further than the present law.

If I may have the indulgence of the Senate for a moment, I think that one or two matters could be cleared up. First, the Senator in charge of the bill tells us that we have no right to take charge of a foreign vessel. Granted. We can not put our officers aboard a foreign vessel and take charge of it until it arrives in our ports; but is there any attempt to do that in this bill? You can read section 11, as it passed the House, with a microscope and you will not find where it undertakes to confer the slightest authority upon any American official in any way, shape, manner, or form to interfere with the officers of the vessel until that vessel has arrived in one of our ports. So that we might as well wipe that out.

The Senator speaks of putting uniformed officers aboard vessels. The nurses are not compelled to wear uniforms; the inspectors are not compelled to wear uniforms. It is provided that if a surgeon be detailed he shall wear a uniform, but the kind of clothes he wears makes no difference. He is given no authority under this bill except that it is made his duty to call the attention of the captain of the vessel to any condition which he thinks is wrong. Therefore there is no attempt to assume authority, and let us get that out of our heads. The bill was carefully drawn.

As to the question whether anything is to be gained by the more thorough inspection made possible by keeping aboard a vessel as it crosses the ocean those who are there to observe, the Senator from Vermont has already asserted that that has been done, although without authority of law, by putting agents among the steerage passengers. Those agents discovered unspeakable conditions—that the women were subjected to improper treatment by the members of the crew, and, without going into detail, other horrible conditions. This bill proposed to provide a means whereby that kind of inspection could be carried on. It is stricken out and, in substance and effect, nothing substituted for the present law.

The House report has this to say:

Another change of the old law provided for by this bill is that which permits the Secretary of Labor, when he deems it necessary, to detail immigrant inspectors and matrons for duty on vessels carrying immigrants or immigrant passengers to or from the United States. This is not made imperative but is left to the option of the Secretary of Labor. We think this is in the interest of better and more humane treatment of the immigrants or immigrant passengers.

That is the only reference I find, in a somewhat hasty examination of the report, to this matter. But, Mr. President, that is a humane purpose, and it is a purpose that we have the right to carry out, because it is now conceded that we can say to a vessel, "You shall not enter here and unload aliens unless you come in conformity with the regulations which we have prescribed"; and having the power, why should it not be exercised for the protection of humanity?

In regard to the right of inspection we are told that some foreign Governments have protested. Well, Mr. President, foreign Governments are in the habit of protesting against nearly



everything. They have been protesting against our present immigration laws. One foreign Government has insisted that its citizens can come here and, in defiance of the laws of a sovereign State, can own property. They have made protests of various kinds. Here is a reference to the particular subject in the House report, which I want to read:

It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments—

Why, Mr. President, they are opposed to the very things we are now doing. Why do we not supinely yield and permit them to continue to send the halt, the lame, the blind, the insane, the diseased, and the crippled to our shores? They are already protesting, and why should they not protest, if we propose to place an obstacle in the way of the landing of undesirables upon our shores? I read:

And it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however—

Now the shoe is on the other foot—

the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance.

Thus it appears that foreign Governments maintain upon certain vessels their own officers, who exercise exactly the same kind of surveillance and jurisdiction over people traveling from this country to Europe which the House bill proposed that our officials should exercise over people coming from Europe to this country, and at the same moment foreign countries are found protesting against the exercise of that right by the United States they are exercising it against the United States, and the committee yields under these circumstances. I read on, going back for a moment to give the context:

In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves.

On page 22 of the same report is the following:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country—to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year—it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration"—of Germans, Irish, and Scandinavians—would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

Mr. President, how absurd it is to stand here in the Senate and say that the United States can not adopt, with reference to people coming to this country, the same character of inspection that is adopted by foreign countries with reference to their own subjects returning from this country and that we infringe upon the authority and sovereignty of foreign nations by doing toward their subjects exactly the same thing that they themselves do in the ports of this country. How ridiculous is the assertion!

Moreover, I challenge the attention of the chairman of the committee and the Senate to the fact that if he be correct in saying that an inspection of these people aboard a vessel is an infringement upon the rights of the vessel owner or upon the authority of the foreign government, then this entire bill will fall upon the same process of reasoning, for it is proposed here in the bill to fine a vessel landing in this country for an act committed in the port of its own country, clear across the ocean. That fine can be levied, but it can be levied because our jurisdiction attaches over the vessel when it undertakes to land the individual in our country, but the same legal right covers the case of an inspection aboard the vessel. We have the right to say to all ship owners, "You can not enter our ports and land a passenger who was not loaded and transported and inspected as we see fit to determine."

I think the House provision is a wise one. I think these protests amount to nothing. I think it is due the sovereignty and majesty of the United States to assert now, once and for all, that we propose to name the conditions under which people shall land upon our shores. I appeal, in the name of humanity, for that miserable class who, compelled to take passage in steerage, are subjected to every kind of insult, every sort of infamy, every character of abuse, and all the hardships that human beings may be subjected to by the cruel and the avaricious. Why not give them the protection of an accompanying matron who may report this treatment? Why not give to our people the protection of an inspection in the ports of foreign countries to determine whether disease is being imported into our land to devastate its population?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. REED. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

Mr. SMITH of South Carolina. Mr. President, there seems to be some misapprehension as to the nature of the proposed amendment. As I understand, the question is directly on the Senate amendment; that is, Shall the Senate amendment be adopted?

The PRESIDING OFFICER. That is correct; that is the question.

Mr. SMITH of South Carolina. Therefore an affirmative vote is to retain the Senate amendment and a negative vote is to reject it?

The PRESIDING OFFICER. That is correct.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. GRONNA (when his name was called). I have a pair with the senior Senator from Maine [Mr. JOHNSON]. I therefore withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I wish to state that my colleague [Mr. BRYAN] is absent on business of the Senate.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Being advised that he would be indifferent in this matter, I desire to vote. I vote "nay."

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. STONE (after having voted in the negative). I desire to withdraw my vote, as I have a pair with the senior Senator from Wyoming [Mr. CLARK].

Mr. MYERS. I inquire whether the junior Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I transfer my pair with that Senator to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "nay."

Mr. CHILTON. I transfer my pair formerly announced to the senior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE. I am informed that the senior Senator from Indiana [Mr. SHIVELY], who is temporarily absent, would vote as I voted in the first instance on this roll call. I therefore transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the senior Senator from Indiana [Mr. SHIVELY] and will vote "nay."

Mr. GRONNA. Has the senior Senator from Maine [Mr. JOHNSON] voted?

The PRESIDING OFFICER. He has not voted.

Mr. GRONNA. I have a general pair with that Senator, and I therefore withhold my vote.

Mr. LODGE (after having voted in the affirmative). I neglected to announce that I have a general pair with the senior Senator from Georgia [Mr. SMITH]; but as he would vote as I do on this question, I shall allow my vote to stand.

The result was announced—yeas 33, nays 25, as follows:

## YEAS—33.

Camden	Kern	Perkins	Sterling
Chamberlain	Lea, Tenn.	Pomerene	Thomas
Chilton	Lippitt	Robinson	Thompson
Culberson	Lodge	Root	Weeks
Dillingham	Oliver	Shafroth	White
Fletcher	Overman	Sheppard	Williams
Gore	Owen	Sherman	
Hughes	Page	Smith, Ariz.	
James	Penrose	Smith, S. C.	

## NAYS—25.

Ashurst	du Pont	Norris	Vardaman
Borah	Gallinger	Polindexter	Walsh
Eristow	Jones	Ransdell	Warren
Catron	Kenyon	Reed	Works
Clapp	Lane	Smoot	
Crawford	Martine, N. J.	Stone	
Cummins	Myers	Townsend	

## NOT VOTING—38.

Bankhead	Goff	McLean	Smith, Ga.
Brady	Gronna	Martin, Va.	Smith, Md.
Brandeggee	Hardwick	Nelson	Smith, Mich.
Bryan	Hitchcock	Newlands	Stephenson
Burleigh	Hollis	O'Gorman	Sutherland
Burton	Johnson	Pittman	Swanson
Clark, Wyo.	La Follette	Saulsbury	Thornton
Clarke, Ark.	Lee, Md.	Shields	Tillman
Colt	Lewis	Shively	
Fall	McCumber	Simmons	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Immigration was, on page 29, line 21, after the word "and," to strike out "oral" and insert "mental," so as to read:

Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens.

The amendment was agreed to.

The next amendment was, in section 15, page 32, line 21, after the word "hereof," to strike out the word "to" and insert the word "shall," so as to read:

Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section 18 of this act.

The amendment was agreed to.

The next amendment was, in section 16, page 33, line 13, after the words "Secretary of Labor," to insert "All aliens arriving at ports of the United States shall be examined by two such medical officers."

The amendment was agreed to.

The next amendment was, on page 33, line 18, before the words "ports of entry," to strike out "large," so as to read:

Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry.

The amendment was agreed to.

The next amendment was, on page 33, line 18, after the words "ports of entry," to insert "designated by the Secretary of Labor," so as to read:

Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor.

The amendment was agreed to.

The next amendment was, on page 34, at the end of line 5, after the words "special inquiry," to insert "All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors."

The amendment was agreed to.

The next amendment was, on page 39, line 20, after the word "vessel," to insert the words "so proceeded against," so as to read:

And no vessel so proceeded against shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "unless," to strike out "with the express permission of the Secretary of Labor," and insert "the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhuman or cause unusual hardship or suffering," so as to read:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous

contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering.

Mr. REED. Mr. President, in view of the fact that so many Members of the Senate are absent, and that the habit is to come in and ask how the committee is voting, and vote with the committee—which I unhesitatingly say was the determining factor in the last vote—I hesitate to call attention to this particular provision with so few Members present. Nevertheless, I dislike to call for a quorum.

I wish to read from line 23 of page 40:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering.

It will be noted that a consumptive would not be permitted to land under any circumstances or conditions whatsoever unless two things concur: First, the disease must have been in such a state at the time of embarkation that it could not have been detected by a competent medical examination, and, second, that to refuse treatment would be inhumane. It is not enough that the refusal would be inhumane; it is not enough that the refusal would kill the patient; but the patient absolutely can not be landed, even by the authority of the Secretary, in the event that some foreign surgeon blundered or some ship surgeon blundered when the patient undertook passage.

To put it by illustration, a man not even knowing that he is afflicted with tuberculosis comes to a port and is examined by the ship's physicians. They are careless or incompetent. He takes passage. When he arrives here a surgeon finds that he has tuberculosis. The surgeon finds that he will die unless taken off the vessel; but he also finds that the disease is in such condition that by a proper inspection it could have been discovered before the patient took passage. Thereupon this poor creature, who is without fault, and simply because there has been a blunder by one or the other of these physicians, is to be condemned to death, or to the horrible torture incident to being confined aboard a vessel, and he can not be taken off for treatment even in quarantine.

That provision is absolutely barbarous. Surely the committee do not mean it. I should like to know whether they do or not.

Mr. LODGE. Mr. President, the existing law of the United States provides:

No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States unless with the express permission of the Secretary of Labor.

That is the present law. It has been the law for many years. That is as it is in the bill, unchanged. It was put there by previous Congresses because they believed that their first duty was to protect the people of the United States against the spread of the awful scourge of tuberculosis and against loathsome and contagious diseases other than those of a quarantinable nature for which the quarantine laws provide.

Hitherto the only exception has been the express permission of the Secretary of Labor, or the Secretary of Commerce and Labor, as it was under the law when it was passed. The department wrote to the Senate committee as follows:

Page 37, lines 20 to 26: After the words "United States," in line 25, eliminate the words "unless with the express permission of the Secretary of Labor" and insert in lieu thereof "unless the Secretary of Labor is satisfied that the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and that to refuse treatment would be inhumane or cause unusual hardship or suffering."

Then the department says:

As the provision is now worded it merely encourages the violation of section 9 by aliens and steamship companies and causes undue congestion in the hospitals at immigrant stations. The discretion to allow hospital treatment in this class of cases should be restricted as closely as possible.

In other words, the object of this amendment was not to make the law less humane but more humane. It was to prevent the inhumanity of transportation companies in bringing to this country persons afflicted with tuberculosis or with loathsome and contagious diseases and imposing them upon our hospitals, forcing us to take care of them, and bringing those diseases into the country. The inhumanity begins with the people who take them on board. But all these things can be detected by a proper medical examination.



The department desiring to make the law as humane as possible suggested this amendment of the House language to the committee as an amendment of the existing law. The existing law is far more stringent than is proposed. This gives the Secretary the discretion to relieve in cases where humanity requires it, and that is what is asked for by the department.

Mr. REED. Will the Senator yield for a question?

Mr. LODGE. Certainly.

Mr. REED. Under the present law does not the Secretary of Labor have the authority in all cases to permit hospital treatment?

Mr. LODGE. Under his express permission. The case has to be laid before him, of course.

Mr. REED. Under the law as proposed could the Secretary permit hospital treatment if the examining surgeon in Europe had made a mistake and passed one who should not have been passed?

Mr. LODGE. Undoubtedly he could under the present law.

Mr. REED. Under this language?

Mr. LODGE. Under the existing language.

Mr. REED. But I am talking about the new language.

Mr. LODGE. He could not, and that is exactly what the Secretary wants to stop.

Mr. REED. Therefore the Senator states that whereas the present law does permit the Secretary of Labor to allow hospital treatment in the interests of humanity in all cases, a law which proposes to deny him the right to permit it if a surgeon happened to make a mistake over in Europe is the more humane law.

Mr. LODGE. As a matter of fact, it is the purpose of the amendment to give the Secretary that power. He himself asks for it. It is not the suggestion of the committee; it is the request of the Secretary, because in the opinion of the department it does not result as it is now in competent examination on the other side. It results in bringing here many cases where the Secretary is forced to decline permission to send them back.

Mr. REED. Mr. President, if this is humanity and is the humanitarian doctrine which would characterize this bill, then may the good and kindly God save me from that kind of humanity! Let us see. The present law is to this effect: There shall be an inspection at European ports, but if a physician there makes a mistake and an immigrant is brought here and surgeons discover it and if treatment in a hospital is necessary, the Secretary of Labor may in the interests of humanity permit hospital treatment. But this amendment says that if there was a mistake made by that surgeon the Secretary of Labor can not permit hospital treatment even though it condemns the poor victim to his death. And you call that humanity!

Man's inhumanity to man  
Makes countless thousands mourn—

was evidently a prophetic glimpse of this particular phase of our present legislation.

I say that the proposition is horrible. Take a concrete example: An immigrant who may think he is afflicted with a bad cold and may not know there is anything the matter with him comes down to take passage at a European port. The ship has provided physicians. They examine and pass him. In a 20 or 30 days' passage, or a 10 days' passage, the disease rapidly develops. He lands in New York. A surgeon there discovers he has tuberculosis, and he further finds that the physician in Europe might have discovered it. This physician also reports that unless the man is given treatment he will die. That fact is laid before the Secretary of Labor and the Secretary of Labor says, "Congress passed a law which does not permit me to send that poor creature to a hospital for a single day. You may stay there and die while that vessel lies in dock waiting for a load." And we call that humanity! Tears of sympathy must have rolled down the cheeks of the committee as they wrote that humane provision into this bill.

Moreover, it is not necessary that there should have been a mistake by the physician in Europe. Everybody who knows anything about the medical profession knows that doctors disagree, and they disagree honestly. How is a physician upon this side to determine accurately whether the conditions were such 30 days before, when that immigrant was examined, that the physician should have discovered that fact? The physician here may be mistaken in his diagnosis. The physician there may have been correct in his diagnosis; but if the physician here finds that the disease might have been detected over there there is no power to be left on earth to rescue that poor, suffering, inoffensive creature who came here in the best of faith, who conformed to every regulation of law, who submitted to an examination. There is no means on earth provided whereby he can have the ministering care of a physician or the humane surroundings of a hospital.

It will be a matter, I doubt not, of grave regret by the Members of this Senate if this bill is passed as proposed and some one of their constituents who may have a wife and child coming to this country appeals to them and says, "My wife and my child are detained aboard the vessel. For God's sake get them off where they can have proper treatment for a few days, so that I may put them in a shape to save their lives. I will send them back if necessary. I do not want to infect this country with disease. I do not want to imperil anybody's life; but do not murder my wife or my child." You go down and appeal to the Secretary of Labor. He says, "I would like to let them in; I would like to give them treatment; I would like to give them a chance for life; but Congress said I could not do it, if a doctor here said that a doctor over there ought to have discovered the disease."

Mr. President, that is all I care to say about it. If the Senate wants to write that kind of a law, let it be done.

Mr. LODGE. Mr. President, the last pathetic case the Senator drew the committee felt ought to be provided for. If the Senator will turn to page 48, he will find that the Senate committee has introduced this proviso:

*Provided, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.*

Mr. REED. That admits the whole case.

Mr. LODGE. Oh, no, Mr. President.

Mr. REED. If it should be done for the wife or child of a man who happens to have acquired the right to vote here, then should it not be done for the sister or the mother or the father of a man who as acquired the right to vote? And if we should do it for those who have the right to vote and jeopardize the lives of our people—for that is the theory of this provision—by allowing treatment for that class of people, why not allow it on the broad ground of humanity to the individual who does not happen to have a husband or a father in this land? Why condemn that individual to a lingering death?

Mr. LODGE. Mr. President, the argument does not work both ways. It can not be cruelty to keep them out and also cruelty to keep them in.

Mr. REED. I have not so asserted.

Mr. LODGE. I have shown that in the case of a family we have made provision not only for taking care of them in hospital until cured, but we have provided that we shall pay their expenses of treatment. That is a new provision of law which the Senate committee suggested.

Now, as to the inhumanity, the Senator draws a picture of a person afflicted with tuberculosis who has developed it within 10 days, so that a competent physician on the other side could not detect it, and it has increased so much that our Government physician on this side does detect it. That is a rapid progress of disease, and the man is hardly a subject for hospital treatment. But the Senator overlooks that it is not only tuberculosis against which we are waging a great fight everywhere to prevent its introduction and spread, but it covers also loathsome and contagious diseases. The Senator knows what that reference is without my entering into a description. I do not think it is desirable that loathsome and contagious diseases should be taken in the ship and admitted to this country unless humanity demands it or it causes undue hardship and suffering.

The language of the Senate committee amendment is broad, and we may rest assured, I think, that the Secretary of Labor is not an inhumane man. He asked for this amendment for his own guidance. It is not the invention of the committee; it is asked for by the Secretary himself. He certainly is a humane man and he knows what is best in dealing with these cases. He has seen the inhumanity that has been caused and necessarily caused by ship companies allowing or winking at the bringing on board of people who they knew ought to be excluded and congesting our hospitals with them, and it is that which he aims to stop. The cruelty begins in bringing them across the ocean, and it is the desire of the department to stop that practice and leave them on the other side. It is believed that this is the most humane way of doing it. He has asked for this change of language because he thinks that is the proper and the right way to deal with it. I do not think he is an inhumane man any more than the committee is inhumane. The object was to make the law such that a steamship company would not be tempted to bring here people whom they ought not to bring.

Mr. REED. Mr. President, if you are trying to reach the company, then penalize the company that attempts to bring the man here.

Mr. LODGE. We have done that. That is done in the bill.

Mr. REED. That is the way to reach it. If it is right to allow the consumptive child or wife of a man who is already residing in this country to come, regardless of the question whether it is necessary for them to have hospital treatment or not, then it is not right to consign all others to the doom which this bill provides, namely, that they shall not be allowed hospital treatment under any circumstances or conditions, but must be detained to their misery and their death.

Mr. President, I am willing to trust the Secretary of Labor. I am willing to trust to his discretion. I have said nothing to reflect upon him; and because I am willing to trust to his discretion and want him to have a discretion and not be denied a discretion I move to amend the amendment of the committee by striking out in lines 5, 6, and 7 the following words—

Mr. MARTINE of New Jersey. On what page?

Mr. REED. On page 41:

That the existence of the disease could not have been detected by a competent medical examination at the time of foreign embarkation, and—

So that the clause as amended would read:

Unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering.

Mr. SMITH of South Carolina. Mr. President, as chairman of the committee I accept that amendment to the amendment.

The VICE PRESIDENT. The Chair did not catch the observation of the Senator from South Carolina.

Mr. SMITH of South Carolina. I say the committee accepts that amendment to the amendment.

The VICE PRESIDENT. Then the question is on the amendment as amended. It is agreed to without objection. The next amendment will be stated.

The SECRETARY. In section 19, page 42, line 3, strike out the words "any alien" and the comma.

The amendment was agreed to.

The SECRETARY. On the same page, line 4, after the word "entry," strike out "who shall enter the United States in violation of law" and insert:

Any alien who shall have entered the United States in violation of this act or of any law of the United States or who at the time of entry was a member of one or more of the classes excluded by law.

The VICE PRESIDENT. The amendment will be agreed to without objection.

Mr. REED. Just one moment. That it seems to me on a cursory examination is retroactive. Under it men could be deported who have legally entered heretofore. Is not that the case?

Mr. LODGE. It runs over the five years. That is the reason.

Mr. REED. Is it so intended?

Mr. LODGE. The law applies now to any time within five years after entering. He may have entered at any time during the five years.

Mr. REED. The inquiry that I wanted to address, if the Senator pleases, is this: The bill now adds a number of prohibitions and qualifications which have not hitherto been in the law, and by the clause which we are considering at the present moment, which operates back to cover a period of five years, would it not be possible to exclude and deport some of those who have legally emigrated to this country? That is the question I am asking.

Mr. LODGE. Oh, surely not, under that language. Of course at any time within five years, as the law is at present, any person who shall be found doing certain things or who shall be found to have violated the law can be deported.

Mr. REED. That is hereafter?

Mr. LODGE. It is not intended to make it retroactive in any way. It is only one class, those who shall enter the United States in violation of law. That of course covers every case. This is another administrative amendment asked for in order to make the law more explicit.

Mr. REED. I am very loath to insist upon the view that I confess comes to me just on a mere reading of the amendment, but it strikes me that under this language any alien who would be excluded under the terms of this act might be deported if he came here at any time within five years prior to the filing of the complaint, and that complaint might be filed the day after this bill was enacted. It seems to me the committee might, by taking this back, adopt some language which would make it plain that it was not intended to be retroactive.

Mr. LODGE. I will read the recommendation of the Secretary:

On page 42, lines 3, 4, and 5, strike out "any alien" and "who shall enter the United States in violation of law" and insert, immediately

following the latter, "any alien who shall have entered the United States in violation of this act or of any law of the United States, or who at the time of entry was a member of one or more of the classes excluded by law." The change thus effected in the arrangement of the words of the section is made in the interest of perspicuity. The insertion of the phrase "or of any law of the United States" is for the purpose of restoring to the measure a provision which appeared in section 21 of the act of 1907, where it was placed in response to recommendations of the Commissioner General of Immigration (see his reports for 1905, p. 99, and 1906, pp. 89, 107), which phrase evidently was inadvertently omitted from this act.

It was left out inadvertently in the House. It is a mere question of language. The committee put it in because the department requested it.

Mr. REED. Does the committee object to passing over the amendment until to-morrow?

Mr. LODGE. I have no special interest in the amendment myself, except that I think we ought to keep what is now in the law.

Mr. REED. Certainly; we ought to keep what is in the law.

Mr. SMITH of South Carolina. As the Senator from Massachusetts says, it is in the interest of fairness that the suggestion was made. It seems the practice of the department has been along these lines, and it was simply to make it more definite and insert what was inadvertently left out.

Mr. SUTHERLAND. Mr. President, it does not seem to me that the provision could possibly be given a retroactive effect—

Any alien who shall have entered the United States in violation of this act or of any law of the United States.

Of course his entry of the United States before this law was passed could not be a violation of the law. It might be a kind of an entry which would be contrary to the terms of the law, but you can not violate the law until it is in existence. So the language "who shall have entered the United States" can not be given a retroactive effect, because it also applies to any other law. There are laws which are in existence, and so it is necessary to use that language to apply to both laws, but, it seems to me, it can not possibly be given a retroactive effect.

Mr. WALSH. Mr. President, I think that the observations of the Senator from Utah [Mr. SUTHERLAND] must receive the concurrence of all who listened to them. The only clause which could by any possibility have any retroactive effect is the concluding clause of the amendment, "who at the time of entry was a member of one or more of the classes excluded by law," and it is to that class that I understand the observations of the Senator from Missouri are directed. But I am very sure that the Senator from Missouri on reflection will not deem the matter of sufficient importance to ask that the amendment be passed over, because it is conceivable, of course, that a man might have been admitted in conformity with law some three years ago but that he will now fall within one of the classes whose entry is prohibited by this law, and upon a strained construction it might be held that he was liable to be deported. But such a construction could hardly be given to it, because of the concluding language, "who at the time of entry was a member of one or more of the classes excluded by law," which undoubtedly refers to the classes excluded by the law as it existed at the time of his entry.

Mr. REED. If the Senator will pardon me, I said at the time this amendment came up that I had had no opportunity really to examine it. I suggest after the word "classes," in line 8, to insert the word "then," so that it would read:

Or who at the time of entry was a member of one or more of the classes then excluded by law.

Mr. LODGE. I see no possible objection to that amendment. I think it makes it clearer. The committee accepts it?

Mr. SMITH of South Carolina. Yes.

The VICE PRESIDENT. The amendment as modified, if there be no further discussion, will be agreed to.

The next amendment of the Committee on Immigration was, in section 19, page 42, line 14, after the word "causes," to strike out "existing prior to the" and insert "not affirmatively shown to have arisen subsequent to," so as to read:

Any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing.

The amendment was agreed to.

The next amendment was, in section 19, page 42, line 25, after the word "who," to insert "manages or," and, on page 43, line 4, after the word "assists" to insert "any prostitute or," so as to read:

Any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects, or promises to protect from arrest any prostitute.

The amendment was agreed to.



The next amendment was, in section 19, page 43, line 15, after the word "hereof," to strike out "any alien"; in line 16, after the word "entry," to insert "any alien"; in the same line, after the word "shall," to strike out "enter" and insert "have entered"; and in line 21, after the word "officials," to insert "or who enters at any time or place without inspection," so as to read:

At any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters at any time or place without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

The amendment was agreed to.

The next amendment was, in section 19, page 43, after line 23, to insert the following proviso:

*Provided*, That for the purposes of this act, the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. One moment. I am not going to object to the amendment, but I think it is going to raise some interesting questions.

The VICE PRESIDENT. The amendment is agreed to without objection.

The next amendment was, in section 19, page 44, line 19, after the word "final," to insert the following proviso:

*Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof.

The amendment was agreed to.

The next amendment was, in section 20, page 45, line 12, after the word "If," strike out the word "effected" and insert "deportation proceedings are instituted," so as to read:

If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "attendance," to strike out "he may" and to insert "the said Secretary shall when necessary," so as to read:

*Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall, when necessary, employ a suitable person for that purpose.

The amendment was agreed to.

The next amendment was, in section 21, page 47, line 10, before the word "may," to insert "the said Secretary," so as to read:

SEC. 21. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as the said Secretary may prescribe.

The amendment was agreed to.

The next amendment was, in section 22, page 47, line 21, after the word "alien," to insert "shall have been naturalized or"; in line 25, before the word "said," to strike out "if" and insert "and"; on page 48, line 1, before the word "children," to insert "minor"; and in line 2, before the word "children," to insert "minor," so as to read:

SEC. 22. That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held.

The amendment was agreed to.

The next amendment was, on page 48, line 14, after the word "admitted," to insert:

*Provided*, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.

The amendment was agreed to.

Mr. REED subsequently said: I want to call the attention of the committee to the amendment which was adopted on page 48, which reads:

*Provided*, That, if the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent

to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor child born prior to such husband or father's naturalization the provisions of this section shall be observed even though such person is unable to pay the expense of treatment—

As to the amendment thus far I raise no objection, but it continues—

such expense to be paid from the appropriation for the enforcement of this act.

It would seem to me that that language would compel the United States Government to defray such expenses even though the husband were abundantly able to do so. I want to ask the chairman of the committee if that is not the construction that is likely to be given to that language?

Mr. SMITH of South Carolina. I think that the context, the line just preceding, is explanatory of that, though it may be a little awkwardly expressed. It reads:

The provision of this section shall be observed even though such person is unable to pay the expense of treatment, such expense—

That is, if they are unable to pay "such expense."

Mr. LODGE. The lines above read, "and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment," they may be admitted. This enlarges it, so that if such person can not bear the expense the Government undertakes it.

Mr. REED. The Senator from Massachusetts, I think, was otherwise engaged when I made my observation and did not catch its import.

Mr. LODGE. Possibly I did not.

Mr. REED. The provision that if the individual or the relative is not able to bear the expense the Government shall do so is all right, but the last four lines read:

The provisions of this section shall be observed even though such person is unable to pay the expense of treatment, such expense to be paid from the appropriation for the enforcement of this act.

It occurs to me that that throws the burden upon the Government regardless of the ability to pay, and I beg to suggest that the amendment ought to be amended to read "in which case the expense shall be paid from the appropriation for the enforcement of this act."

Mr. LODGE. I see I did not catch the point which the Senator from Missouri made, which is a very sound point. I think the change he suggests ought to be made.

Mr. REED. I make the suggestion, then, to strike out in line 22, on page 48, the words "such expense to be" and to insert "in which case such expense shall be," so that the clause would read:

In which case such expense shall be paid from the appropriation for the enforcement of this act.

Mr. SMITH of South Carolina. I accept the amendment.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 23, page 50, line 18, after the words "Secretary of Labor," to insert:

*Provided*, That no person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry. The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section 8 of this act, and upon conviction shall be subject to the penalty therein prescribed.

The amendment was agreed to.

The next amendment was, in section 24, page 51, line 25, after the word "laborers," to insert "and induced and assisted immigrants," and on page 52, line 1, after the word "employ," to insert "for such purposes and for detail upon additional service under this act when not so engaged," so as to read:

*Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation.

The amendment was agreed to.

The next amendment was, on page 52, line 9, after the word "act," to strike out "\$50,000" and to insert "\$100,000," so as to read:

He may draw annually from the appropriation for the enforcement of this act \$100,000, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 28, page 54, line 12, after the word "organization," to strike out "entering" and to insert "entertaining," so as to read:

Sec. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government.

The amendment was agreed to.

Mr. REED subsequently said: Mr. President, before the amendment in section 28, on page 54, line 12, is finally adopted I have a suggestion to make to the committee. I understand, of course, that the amendment has been made to correct the misprinting of a word. As corrected the language reads:

Or who is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government.

I think the word "entertaining" only weakens the sentence, and that if it were stricken out, so that the sentence would read "teaching disbelief," it would be a stronger sentence. Though it is not very material, I make the suggestion.

Mr. SMITH of South Carolina. Mr. President, as stated by the Senator from Missouri, this amendment has been made to correct a misprint; but to strike out the word "entertaining" would change the present law, for the language of the present law is "entertaining and teaching."

Mr. REED. Very well; though I think it should be merely "teaching." If you have got to prove both entertaining and teaching, you are not as strongly situated as if you simply had to prove teaching.

I move, however, in accordance with a suggestion which has been made to me by the Senator from Mississippi [Mr. VARDAMAN] to change the word "and," in line 12, to the word "or," so that the clause would read:

Or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government.

Mr. SMITH of South Carolina. The committee accepts the amendment.

The VICE PRESIDENT. If there be no objection, the vote whereby the amendment was agreed to will be reconsidered. The question now is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Immigration was, in section 30, page 56, line 2, after the words "Bureau of Immigration," to strike out "and Naturalization," so as to read:

Sec. 30. That there shall be maintained a division of information in the Bureau of Immigration.

The amendment was agreed to.

The next amendment was, in section 33, page 58, line 21, after the word "reshipping," to insert "under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law or treaty from remaining permanently in the United States," and, on page 59, line 3, after the word "given," at the end of line 2, to insert "by the master or the seaman himself," so as to make the proviso read:

Provided, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action first be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

The amendment was agreed to.

The next amendment was, in section 34, page 59, line 5, after the word "shall," to strike out "desert his vessel" and to insert the word "land"; and, in line 6, after the words "United States," to strike out "or who shall land therein," so as to make the section read:

Sec. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

Mr. REED. Mr. President, I have no desire to be pestiferous or troublesome, but before we adopt this amendment I wish

to ask the chairman of the committee or some other member of the committee if the object of these sections is not to prohibit what is commonly called desertion by seamen?

Mr. LODGE. Not at all, Mr. President. The sections are very carefully drawn to avoid that. That is the reason why we propose to eliminate the word "desert." One of the most prolific sources of evasion of the immigration laws, however, has been by reason of people coming to this country occupying some position on a ship. Having failed, perhaps, in many cases to come in as immigrants, they come as seamen, shipping for merely the voyage here as stewards or stokers. They merely land on the wharf from the ship and never pass through the immigration inspection at all. Over 15,000 such cases occurred two years ago.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment was, in section 35, page 60, line 7, after the words "sum of," to insert "\$25, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel," so as to make the section read:

Sec. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiosyncrasy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability of the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

The amendment was agreed to.

The next amendment was, in section 36, page 61, line 5, after the word "has," to strike out "deserted" and insert "illegally landed from," so as to read:

Sec. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension, etc.

The amendment was agreed to.

Mr. LODGE. Mr. President, I desire to call the attention of the Senator from Missouri to the amendment which has just been agreed to, and very properly agreed to, which shows the purpose which I was indicating to him. The House bill employed the word "deserted," which was a technical word arising under treaty. We struck it out, and put in the words "illegally landed from," which have reference only to the provisions of this act.

Mr. REED. I think the committee is right in its contention.

The VICE PRESIDENT. That completes the committee amendments, save those which have been passed over.

Mr. REED. Mr. President, it may be a little out of order, but I desire to recur now to the much-discussed amendment on page 41, which was amended so as to read, "unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering."

I suggest to the committee that there be added to that amendment as now adopted a clause similar to the one found on page 60, which provides that an alien detained and treated in the hospitals under the supervision of immigration officials shall be kept there at the expense of the vessel. I think if that clause were added to the provision on page 41 it would have a tendency to bring about the very object the committee had in view, namely, to penalize the vessel owner for bringing over those who are afflicted with disease which could have been detected.

Mr. LODGE. The amendment on page 60 includes the words "and pending departure of the vessel."

Mr. REED. We will have to modify that language.



Mr. LODGE. Yes; that will have to be modified. Of course, if an alien is not admitted to hospital treatment he remains on the vessel under treatment of the ship's surgeon.

Mr. REED. I suggest this language to come in after the word "suffering," in line 9, page 41:

If, under the order of the Secretary of Labor, such immigrant shall be admitted to the hospital, he shall be treated under the supervision of the immigration officials and at the expense of the vessel transporting such immigrant.

Mr. SMITH of South Carolina. I accept that amendment.

Mr. REED. Mr. President, the Senator from Montana [Mr. WALSH] makes a suggestion to me which will improve the wording of the amendment and accomplish the same result, namely, to add, after the word "suffering," the words "in which case the alien shall be treated in the hospital under the supervision of immigration officials at the expense of the vessel transporting him." I suggest that as an amendment.

Mr. SMITH of South Carolina. The committee will accept that.

The VICE PRESIDENT. That does not affect the amendment as adopted in Committee of the Whole.

Mr. LODGE. It is practically a new amendment.

The VICE PRESIDENT. The Chair so understands. The Secretary will state the amendment.

The SECRETARY. On page 41, line 9, after the word "suffering," it is proposed to insert "in which case the alien shall be treated in the hospital under the supervision of immigration officials at the expense of the vessel transporting him."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. There are certain amendments which, the Chair understands, were passed over. The Secretary will state the first amendment passed over.

The SECRETARY. In section 2, page 2, line 18, after the words "United States," the committee proposes to insert "except that with respect to an alien accompanied by his wife, child, or children said tax shall be \$4 for each such alien, wife, and child." Mr. O'GORMAN has proposed an amendment to the amendment, as follows:

In line 18 strike out the words "an alien accompanied by his" and insert the word "the," and after the word "child" insert "of an alien," so as to read: "except that with respect to the wife, child, or children of an alien said tax shall be \$4 for each such alien, wife, and child."

Mr. REED. Mr. President, the Senator from New York [Mr. O'GORMAN] is absent to-day, and I suggest that that amendment be allowed to go over.

Mr. SMITH of South Carolina. Mr. President, I think that what the Senator from New York seeks to accomplish will perhaps be better accomplished by an amendment proposed by the Senator from Minnesota [Mr. NELSON], which, in lieu of the amendment of the committee in lines 18, 19, and 20, proposes to insert these words:

Provided, That children under 15 years of age who accompany their father or their mother shall not be subjected to said tax.

After hearing his statement, in view of the fact that the Senator from Minnesota is not present, and it is acceptable to the committee, I suggest that as an amendment.

Mr. REED. Mr. President, I do not know whether or not it would be acceptable to the Senator from New York. I would not undertake to pass on that.

Mr. SMITH of South Carolina. I am perfectly willing that the amendment shall go over.

Mr. REED. I think it ought to go over.

Mr. LODGE. The Senator from Minnesota, who has offered the amendment which the Senator from South Carolina has just described and which I think is very good, is not present, either.

The VICE PRESIDENT. In the absence of objection, the amendment will be passed over. The Secretary will state the next amendment passed over.

The next amendment passed over was, in section 3, page 6, line 17, after the word "unskilled," to insert "mental or manual."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. That amendment was passed over at the request of the committee, and I had assumed that the committee would probably have something to suggest.

Mr. SMITH of South Carolina. Mr. President, the committee, having gone very thoroughly into this matter, and being of the opinion that no other wording would so accurately reach the object which this clause was intended to reach, has seen no reason at all to recede from the proposed amendment. The chairman of the committee took occasion the other day to try

to explain fully just why it was necessary to use this phraseology.

Mr. WALSH. Mr. President, getting no very definite information as to the classes at which this particular provision was directed in the course of the discussion the other day, I took the matter up with the Department of Labor, and I have here a memorandum showing some typical cases of alien contract laborers admitted to the United States on the ground that they were engaged in labor the predominant feature of which was mental rather than manual. I will ask that the memorandum be printed as a part of the discussion without reading, but I will refer to a few of the cases to which it adverts:

#### CASE OF HENRY STOWE.

An English-Canadian railroad section hand, imported by the New York Central Railroad for service as a section foreman on its tracks. Admitted by the Department of Commerce and Labor on January 8, 1912, as a "mental laborer."

I should be disposed to differ from the construction placed upon the act by the Department of Labor. I think it is going a long way to hold that a section foreman is engaged in labor the predominant feature of which is mental in character.

#### CASE OF CHARLES EDWARD CLARKE.

English-Canadian loom repairer; rejected by the board of special inquiry at Port Huron, Mich., on September 21, 1911, the record being forwarded to the department on September 26 by the officer in charge with recommendation that the appeal be sustained, as the claim had been made, and not disproved, that the alien was to be employed as foreman in a woolen mill that had advertised for an employee of that kind in a foreign newspaper, and that the mental elements would predominate in such employment. The alien, without awaiting for the decision of the appeal, entered the United States surreptitiously, and was later found in the employ of the mill in the capacity of an ordinary workman, showing that he was being imported under the guise of a foreman, a subterfuge quite frequently resorted to; whereupon he was arrested and deported.

So you will observe that the gentleman did not succeed in getting into this country on the ground that he was a mental laborer.

#### CASE OF ANDRE PIGNARD.

A French silk-tulle weaver, admitted by the department on March 5, 1912, it appearing from the record that he was to occupy the position of foreman in a silk-manufacturing mill—it also being claimed that labor of like kind unemployed could not at the time be found in the United States.

So this particular individual came in under the provision which has been adverted to covering cases where it is impossible to find laborers to do the work in this country.

#### CASE OF GEORGE DAVIES.

English golf links "green keeper," admitted by the department on March 11, 1912, because it was found that the alien was to supervise the work of the ordinary laborers in keeping the golf links of the club importing him in proper condition.

And so on through this list, Mr. President, which convinces me that the evil that exists, so far as it does exist at all, is due to an unwarrantable construction which has been given by the Department of Labor in certain instances to the present act. The relief is sought simply because in some particular instances the Department of Labor extends the list of those embraced within the class of mental laborers to limits that are entirely unwarranted by the law.

I do not find that there has ever been any authoritative adjudication holding a man to be engaged in labor the predominant feature of which is mental where there was any particular reason why the man should be excluded from this country as a laborer. I freely admit that by an erroneous and absurd construction of the present act some people can get into this country upon the ground that they are engaged not in manual labor but in mental labor; but under any proper construction of the act I do not think there is any evil whatever to be remedied.

It has been suggested that musicians sometimes are brought into this country under contract, and the question is raised as to whether the members of a band are engaged in mental labor or in manual labor. It may be that some cases of that kind do arise—I dare say they do—in which we all agree that they ought not to be admitted if they come here under contract, or by the inducement or solicitation against which the bill is aimed. The solicitor for the department suggests that instead of the language used in the amendment certain language used by him might be employed. I read from the letter:

The department fixed upon the insertion of the words "mental or manual," in line 17, page 6, as the briefest and most direct manner of accomplishing the purpose in view, because the distinction between mental and manual labor is the gist of the Attorney General's opinion. Of course, however, it has no pride of authorship in this matter, and would be glad to see the purpose accomplished in any way that might seem acceptable to you and other Senators interested in the subject. Thus you might think that the object can be accomplished just as well, and the use of the words to which exception has been taken avoided, by inserting in lieu of such words some such expression as this, "except

only as hereinafter provided," thus specifically indicating the connection between the excluding provision and the exceptions later appearing in the proposed law.

But, of course, to incorporate language such as that would exclude everybody except those specifically mentioned in the subsequent clause. I find, however, that greater liberality has been exercised by the department in the construction it gives to the words "recognized learned profession," because it appears that persons belonging to almost all of the so-called professions, whether heretofore denominated as learned professions or whether they are recognized learned professions, are regarded as being entitled to admission under the exception. For instance, I am told in the letter from the department as follows:

In *United States v. Laws* (163 U. S., 258) the Supreme Court held that a chemist being brought to the United States under contract for employment in a sugar factory was undoubtedly a member of a recognized learned profession; and the department has never hesitated to admit all kinds of chemists coming to the United States to follow that vocation. Reference was also frequently made to engineers. The department has repeatedly held that all branches of the engineering profession are to be regarded as a "recognized learned profession." The case that you had particularly in mind, to wit, the importation of a man skilled in the propagation of sugar beets for seeding purposes, I have no doubt whatever would be regarded, if it ever arose, as falling within the exception in favor of the importation of labor on the ground that labor of like kind unemployed could not be found here if, indeed, the alien would not belong to some branch of the chemistry profession, a soil chemist, for instance.

In view of these considerations, Mr. President, I do not feel like pressing the objection I made to this portion of the bill. I ask, however, that the entire communication be printed as part of the discussion.

THE VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, December 14, 1914.

HON. THOMAS J. WALSH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation of Friday last, regarding the debate in the Senate on Thursday with respect to the proposal of the Immigration Committee to insert in section 3 of the pending immigration bill, on page 6, line 17, after the words "unskilled" the words "mental or manual," I have the honor to hand you herewith a memorandum furnishing briefly the facts in a number of cases selected hurriedly and somewhat at random from among hundreds of similar cases, the records of which are on file in the Bureau of Immigration, illustrating the difficulty in the administration of the law which the department desires to overcome, and in pursuance of which desire the amendment mentioned was suggested by the department to the Senate Committee on Immigration. The facts of these cases speak for themselves to a considerable extent, but in order to make their illustrative character perfectly clear there has been inserted in the memorandum, following some of the statements of fact, brief comment with regard to the particular case covered. I also wish to set forth the reasons which, in the department's judgment, render it imperative that the amendment proposed by the Senate committee, and passed over temporarily by the Senate on Thursday last, or some other amendment calculated to effect the purpose in view, shall be adopted before the immigration act is passed.

It seems to me that most, if not all, of the objections voiced by you and several of the other Senators who took part in the debate would not have been raised if the several disjointed provisions of section 3 relating to alien contract laborers had been brought together and their joint effect considered. Because of the manner in which section 3 is constructed, obviously they could not conveniently be so joined in the draft. As a preliminary to my discussion of them I bring them together as follows:

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States (p. 4, lines 21-22): Persons hereinafter called contract laborers, who have been induced, ASSISTED, ENCOURAGED, or solicited to migrate to this country by offers or promises of employment, WHETHER SUCH OFFERS OR PROMISES ARE TRUE OR FALSE, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled, *mental or manual* (p. 6, lines 10-17): *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country. AND THE QUESTION OF THE NECESSITY OF IMPORTING SUCH SKILLED LABOR IN ANY PARTICULAR INSTANCE MAY BE DETERMINED BY THE SECRETARY OF LABOR UPON THE APPLICATION OF ANY PERSON INTERESTED, SUCH APPLICATION TO BE MADE BEFORE SUCH IMPORTATION, AND SUCH DETERMINATION BY THE SECRETARY OF LABOR TO BE REACHED AFTER A FULL HEARING AND AN INVESTIGATION INTO THE FACTS OF THE CASE (p. 10, lines 6-15): *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession" (p. 11, lines 3-8).

So much of the above as appears in ordinary type is the existing law (sec. 2, act of Feb. 20, 1907; 34 Stat., 898); so much as appears in capitals represents changes of language placed in the measure by the House of Representatives in the interest of clearness and exact consistency with other provisions of the proposed law and in conformity with recommendations growing out of the work of the congressional Immigration Commission and of the Bureau of Immigration; and only the words "mental or manual," italicized, are suggested by the Senate committee. The law constituted of the provisions above quoted is what is commonly known as the alien contract-labor law, passed first in 1885 (23 Stat., 332), slightly amended in 1888 (25 Stat., 565), again in 1891 (26 Stat., 1084), again in 1893 (27 Stat.,

569), and finally brought into substantially the form now proposed in 1903 (32 Stat., 1213). From 1903, if not even an earlier date, until June, 1909, the alien contract-labor law was construed by the Bureau of Immigration and the department of which that bureau was a part to include all kinds of labor, whether mental or manual, or a combination of the two, the theory of such construction being that the use in the law of the words "labor of any kind, skilled or unskilled," or, as they appeared in the earlier statutes, "labor or service of any kind," and the insertion in the statute of special exceptions to this broad and general provision, justified the conclusion that Congress intended that the law should reach all classes of aliens induced to come to this country by an offer or promise of employment, except such as Congress had seen fit to specifically except from said general provision. But on June 2, 1909, the Attorney General rendered an opinion (27 Ops., 383) holding that an alien who was being imported under contract to serve an American employer as superintendent of a lumbering camp was not excluded by the alien contract-labor law, and based such holding upon a theory argued largely from the decision of the Supreme Court, construing the original contract-labor law of 1885, in *Church of the Holy Trinity v. United States* (143 U. S., 457). Thereupon the Bureau of Immigration and the Department of Commerce and Labor—and, commencing with its formation, this department—adopted an application of the law under which the effort was made to distinguish between cases of manual labor and cases of mental labor, which application of the law was continued until January, 1914, when the Supreme Court rendered its decision in *Lapina v. Williams* (232 U. S., 78), construing provisions of the law other than those relating to contract labor, but holding, broadly, that, inasmuch as section 2 of the act of 1907 "contains its own specific provisos and limitations," such provisos and limitations, "on familiar principles, strongly tend to negative any other and implied exception" (p. 92), and also pointing out that after the Supreme Court rendered its decision in the *Holy Trinity* case the law was changed so as to specifically except from the operation of the contract-labor provisions "ministers of any religious denomination" (pp. 88-89). Having learned by actual experience that it was so difficult as to be practically impossible to distinguish in many instances between mental and manual vocations or to determine which of the two elements predominated in any particular calling, and having found that because of this difficulty and because of the tendency toward widening which always occurs once that a breach has been made in the administration of a statute of this kind, that many American workers of classes undoubtedly intended to be protected by the contract-labor provisions were not receiving due protection, this department welcomed the decision of the Supreme Court in the *Lapina* case, although merely obiter dicta for the particular purpose in mind, as a means of escaping from the ill effects of the Attorney General's opinion and of the effort to enforce the law in accordance with the terms of such opinion, and it accordingly gave instructions to the immigration officials to return to the construction of the law which had been followed uniformly prior to the handing down of the said opinion.

The suggestion made to the Senate Immigration Committee in the letter of the Secretary of Labor (S. Doc. No. 451, p. 5), adopted by the Senate committee, as shown on page 5 of its report (S. Rept. No. 355), was merely with the purpose of clarifying the situation and making it certain that the construction of the law followed by the bureau and department prior to June, 1909, and since January, 1914, and intimated by the Supreme Court, obiter dicta, to be correct, should obtain in applying the new law instead of the construction given the statute in the Attorney General's opinion. Obviously if Congress should pass the pending measure without inserting therein some expression indicating that it does not approve of the construction placed upon the law by the Attorney General, those who wish to narrow the application of the statute or gradually to break it down will be afforded the strongest kind of an argument with which to support the contention that the law applies only to manual laborers, and that in every case where it is shown that the mental element predominates over the manual the department must admit the alien contract laborer, and the Government can not proceed against the person or corporation making the importation.

Without including in this letter a specific reference to each of the cases covered by the inclosed memorandum, it seems desirable at this time to set up several illustrations. Take the very case to which the Attorney General's opinion relates. There was nothing in the record to show that there were not in the United States unemployed at the time the alien McNair applied for admission a number of skilled logging and lumbering men who through aptitude and experience and the possession of inherent executive ability were perfectly capable of filling the position of superintendent of a logging camp. Were not those unemployed American skilled workmen entitled to believe that the law protected them against the importation of a foreigner to take the job which they were qualified to fill and anxious to obtain? Again, take the case of lithographers. Can men following that vocation be classed as manual laborers without doing violence to common sense? They are of so high a class that it has been contended that they are artists (26 Ops. Atty. Gen., 284, 285-286); yet everyone familiar with the history of contract-labor legislation knows that the lithographers' union has always supposed that American lithographers were protected against the importation of foreigners, and have always insisted that they be given such protection; in fact, in the very case in which the opinion just cited was rendered the union complained of the action of the department in admitting the two foreign lithographers on the theory that labor of like kind unemployed could not be found here. Take again the case of musicians—members of bands and orchestras—who have not yet attained that standing in the musical world which would entitle them to be regarded as artists. The union having in its membership many American musicians of this character was one of the most active advocates of the contract-labor law, and naturally has always supposed that its members were protected by such law. Yet who would undertake to hold that such a musician is a manual laborer? Who could do so without making himself ridiculous? The opinion in the McNair case resulted, of course, in the admission of the alien and in the establishment of a precedent under which all manner of superintendents, foremen, and overseers, whose work is of a directory nature, requiring the use of the brain to a greater extent than the use of the brawn, could be admitted. The admission of a lithographer or a musician establishes a precedent which can readily be used by members of the large numbers of trades and occupations in which the performance of the work requires a mental training and aptitude which predominates over the manual dexterity and is necessary to the exercise of the latter. Are not these high-class American operatives and workmen entitled to the same protection that is afforded by the law to the common manual laborer and the skilled mechanic working mostly with his hands?



It seems to me that when the law as proposed and its exceptions are read together every case suggested during the course of Thursday's debate can readily be taken care of. At any rate, it can be stated most positively that during the long period when the law was given the construction which it is proposed to have the Senate approve by inserting the words "mental or manual" there was not the least difficulty in admitting to the United States peculiarly skilled foreign workmen, whether their vocation was mental or manual, or a combination of both, in every instance in which the establishment here of a new industry or a scarcity here of skilled men to be engaged as employees in an established industry was shown to exist and in which the aliens whom it was desired to employ came to a port of the United States and applied for admission. The only difficulty that was encountered in cases of this kind arose from the fact that the law contained no provisions under which the right of the employer to make the importation could be determined in advance of the aliens' application for admission, men belonging to the higher-class vocations often not being willing to leave their foreign homes unless they could be assured in advance that they would be promptly landed on reaching a United States port. This difficulty is taken care of by the provision inserted in the law by the House appearing on page 10 (lines 6-15) of the bill as reported by the Senate committee, which has been amended by the Senate in its adoption of the recommendation of the committee for the elimination from the provision of the words stricken through in the reported print of the bill, lines 15 to 25, page 10, and 1 to 2, page 11. The reasons for eliminating this awkward and, it is believed, unworkable plan are briefly shown on page 6 of Senate Report No. 355, and in more detail on page 6 of Senate Document No. 451, the latter being this department's letter to the chairman of the committee, recommending the striking out of the words in question.

In the debate reference was frequently made to chemists, several of the Senators apparently being of the opinion that a chemist is not a member of a "recognized learned profession." In *United States v. Laws* (163 U. S., 258), the Supreme Court held that a chemist being brought to the United States under contract for employment in a sugar factory was undoubtedly a member of a recognized learned profession; and the department has never hesitated to admit all kinds of chemists coming to the United States to follow that vocation. Reference was also frequently made to engineers. The department has repeatedly held that all branches of the engineering profession are to be regarded as a "recognized learned profession." The case that you had particularly in mind, to wit, the importation of a man skilled in the propagation of sugar beets for seeding purposes, I have no doubt whatever would be regarded, if it ever arose, as falling within the exception in favor of the importation of labor, on the ground that labor of like kind unemployed could not be found here, if, indeed, the alien would not belong to some branch of the chemistry profession—a soil chemist, for instance. There is no trouble in taking care of these exceptional cases. Probably the law could not be so drawn as to include within its exceptions, in terms, every variety of exception that might be encountered in practice; but, of course, the statute must be prepared so as to lay down a positive and broad rule and keep the exceptions closely enough confined to prevent their negating the effect of the general provisions, leaving a reasonable application of the measure to specific cases to the discretion of the department charged with the enforcement of the law.

I note also from the debate that several of the Senators seem to have been laboring under the impression that decision of all these matters is vested by the statute in "the immigrant inspector or agent." They have overlooked the fact that no alien can be excluded from the United States by an immigrant inspector. All the inspector can do is to admit or, if he is not satisfied that the applicant is entitled to admission, to have such applicant set aside from the inspection line and held for examination by a board of special inquiry. The board is composed of three inspectors, always selected because of long experience and demonstrated capacity for this kind of work, and even the board can not finally say that the alien has no right to enter, in cases of the nature under discussion, the alien having the right of appeal to the Secretary of Labor, before whom every reasonable opportunity is afforded for the presentation of evidence and the submission of argument by or on behalf of the alien and by or on behalf of the person or corporation that is attempting to make the importation. Under the law as now proposed, anyone desiring to import a skilled laborer from abroad could lay his entire case before the Secretary of Labor in advance of sending for the alien, present his evidence, make his argument, and, if the permission is granted, send for the alien, with the assurance that on arrival he would be admitted, so far as the contract-labor provisions were concerned, immediately on landing from the ship. Surely no plan better calculated properly to enforce the law, with fairness to all concerned, could possibly be devised than that proposed in the bill now pending before the Senate and the report of the committee thereupon.

The department fixed upon the insertion of the words "mental or manual" in line 17, page 6, as the briefest and most direct manner of accomplishing the purpose in view, because the distinction between mental and manual labor is the gist of the Attorney General's opinion. Of course, however, it has no pride of authorship in this matter and would be glad to see the purpose accomplished in any way that might seem acceptable to you and other Senators interested in the subject. Thus you might think that the object can be accomplished just as well and the use of the words to which exception has been taken avoided by inserting in lieu of such words some such expression as this, "except only as hereinafter provided," thus specifically indicating the connection between the excluding provision and the exceptions later appearing in the proposed law, and also now standing in the existing law, and showing that the Senate is following the obiter dicta suggestion of the Supreme Court in the *Lapina* case, supra, that the insertion of exceptions shall "negative any other and implied exception." I trust, however, that upon reading the foregoing you may reach the conclusion that the Senate committee amendment should be adopted as proposed.

Very truly, yours,

J. B. DENSMORE,  
Acting Secretary.

MEMORANDUM SHOWING SOME TYPICAL CASES OF ALIEN CONTRACT LABORERS ADMITTED TO THE UNITED STATES ON THE BASIS OF THE OPINION OF THE ATTORNEY GENERAL DATED JUNE 2, 1909 (27 OPS., 383).

#### CASE OF HENRY STOWE.

An English-Canadian railroad section hand, imported by the New York Central Railroad for service as a section foreman on its tracks. Admitted by the Department of Commerce and Labor on January 8, 1912, as a "mental laborer."

#### CASE OF CHARLES EDWARD CLARKE.

English-Canadian loom repairer, rejected by the board of special inquiry at Port Huron, Mich., on September 21, 1911, the record being forwarded to the department on September 26 by the officer in charge with the recommendation that the appeal be sustained, as the claim had been made, and not disproved, that the alien was to be employed as foreman in a woolen mill that had advertised for an employee of that kind in a foreign newspaper, and that the mental elements would predominate in such employment. The alien, without waiting for the decision of the appeal, entered the United States surreptitiously and was later found in the employ of the mill in the capacity of an ordinary workman, showing that he was being imported under the guise of a foreman, a subterfuge quite frequently resorted to, whereupon he was arrested and deported.

#### CASE OF ANDRE PIGNARD.

A French silk-tulle weaver, admitted by the department on March 5, 1912, it appearing from the record that he was to occupy the position of foreman in a silk-manufacturing mill, it also being claimed that labor of like kind, unemployed, could not at the time be found in the United States.

NOTE.—The above cases sufficiently illustrate the effect of the Attorney General's opinion upon the admission of superintendents, overseers, and foremen, and skilled laborers employed in like capacity.

#### CASE OF GEORGE DAVIES.

English golf links "green keeper," admitted by the department on March 11, 1912, because it was found that the alien was to supervise the work of the ordinary laborers in keeping the golf links of the club importing him in proper condition.

#### CASE OF HARRY HOUGHTON.

English-Canadian car weigher, admitted by the department on October 31, 1910, having been imported by one of the railroad companies for employment as a weigher of cars. The opinion of the Attorney General was relied upon and the conclusion reached that the weighing of railway cars was more mental than manual in character.

#### CASE OF EUGENE PARE.

French-Canadian telegraph operator, admitted by the department on February 28, 1911, being imported by a railroad company to work at his trade, the decision being that such occupation is of a more mental than manual nature.

#### CASE OF WILLIAM JOHN SELDON AND FREDERICK CHARLES BROWN.

English-Canadian musicians (members of a band), admitted by the department on May 19, 1910, being under contract to serve as musicians with "Kemp's Wild West Show" at \$8 per week. In this case the bureau recommended exclusion, but the department overruled the recommendation and ordered the aliens landed, it being considered that the playing of music did not involve manual labor, or, at least, that the mental element predominated.

#### CASE OF ANTONIO CAYOL AND MANUEL FERREIRA PEREZ.

Spanish boys, attempting, in March, 1910, to enter Porto Rico to accept employment previously contracted for in retail merchandise houses. The bureau recommended exclusion, holding that, inasmuch as the boys were mere apprentices and would be obliged, for some time at least, to perform the ordinary heavy work around the store, the manual element predominated; but such recommendation was overruled by the department and the aliens landed upon the theory that the occupation of salesman in the store is a mental occupation.

#### CASE OF JOHN A. WATSON.

Scotch-Canadian clerk, admitted by the department on December 3, 1909, being under contract to accept employment as clerk in a dry-goods house. The bureau recommended exclusion, expressing the view that selling dry goods over a counter was an occupation in which the manual elements exceeded the mental, but the department ruled otherwise.

#### CASE OF ALBERT LEVY.

Turkish boy, imported by a post-card house in St. Louis to fill the position of salesman or "hawker" of picture post cards. Secured admission on primary inspection by not disclosing the facts regarding the offer of employment, but was subsequently arrested. Finally released by the department on March 9, 1912, the holding being that the occupation was mental rather than manual.

NOTE.—The above cases sufficiently illustrate how efforts to administer the law in such a way as to follow the distinction laid down in the Attorney General's opinion necessarily constantly tend toward the cutting down of the provisions of the statute and the admission to the country of all alien workmen with respect to whom it is not clearly shown that the occupation is of a strictly manual nature.

#### CASE OF OMER DUBE AND JEAN DESAUTELS.

French-Canadian organ mechanics, rejected by the department in May, 1912, on the ground that the claim that the aliens were to be employed as foremen in an organ factory was not established by the evidence; later admitted on the basis of additional evidence showing that the work they were to perform was of a peculiarly skilled nature and that men capable of performing it could not be found unemployed in the United States.

NOTE.—The case last given illustrates not only the fact that employers are every ready to seize upon the pretext that alien employees are being brought in for supervisory work, that being a claim easy to set up and difficult to disprove, but also the fact that it is perfectly easy for employers to import foreign skilled help when there is a real scarcity or nonexistence of such help in the United States, the department being willing to admit upon the second claim, although the importers had failed to prove the first claim to its satisfaction.

**THE VICE PRESIDENT.** The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

**THE SECRETARY.** The next amendment passed over is on page 14, line 4, after the word "solicit," to insert the words "or attempt to induce, assist, encourage, or solicit."

**MR. REED.** Mr. President, has the committee some suggestion to make with reference to this amendment?

**MR. SMITH** of South Carolina. Mr. President, the committee has no suggestions to make. This language was put in at the

suggestion of the solicitors charged with the legal administration of the provision. They asked that we insert it in order to avoid certain difficulties they had already experienced in the interpretation of the provision, and at the worst it can only be a strained construction. I think it is all right as it is. The committee has no suggestions to make.

Mr. REED. Mr. President, it has been repeatedly said by Senators who have debated this bill that under the law as it is here proposed, if a citizen of this country were merely to write a letter to an alien stating the advantages of this country he would thereby become liable to punishment. The Senator from North Dakota [Mr. GRONNA] mentioned a case which, as he stated it, was a very aggravated one.

I have not had an opportunity to examine these phases of the bill. If it is susceptible of such a construction as that, it ought not to be enacted. If it is not susceptible of that construction, the fact ought to be known. So far as I am concerned, I am making these remarks now in order that if there is any Senator who has any further light to give us we may have it.

I want to prohibit contract labor being brought into this country, but I do not want to help pass a law that will result in the punishment of a man for merely stating the advantages of this country.

Mr. GRONNA. Mr. President, I am opposed to this amendment, and I hope the amendment of the committee will not prevail.

The contract-labor law is very drastic now. The law as it was passed in 1907—and that was the law for some years, I believe—provides as follows:

That the following classes of aliens shall be excluded from admission into the United States: \* \* \* persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled.

I believe that provision is about as drastic as it ought to be. I believe the language used in the proposed amendment goes even further than the Senator from Missouri has stated. I believe it would be possible to construe it so that if some friend of a prospective immigrant should go to a bank and ask for a loan to assist his friend to purchase a ticket, that could be construed to be a violation of law.

I think it is wholly unnecessary to embody in the law a provision so drastic as this one is, and I ask for a roll call on the amendment because I shall vote against it.

The VICE PRESIDENT. The Senator from North Dakota calls for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, I ask that the amendment may be stated.

The SECRETARY. On page 14, lines 4 and 5, after the word "solicit" and the comma, it is proposed to insert "or attempt to induce, assist, encourage, or solicit."

Mr. SMITH of South Carolina. Mr. President, before the roll call begins, do I understand that the Senator from North Dakota has moved to strike out, and that a vote in the affirmative is a vote in favor of striking out?

The VICE PRESIDENT. Oh, no. The Senator from North Dakota asks for the yeas and nays on the committee amendment. The question will be on agreeing to the committee amendment. Those who are in favor of the amendment will vote "yea"; those who are opposed to it will vote "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. THORNTON (when Mr. RANDELL's name was called). I desire to announce the necessary absence of my colleague [Mr. RANDELL] on public business.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY].

I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

The roll call was concluded.

Mr. STONE. I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him present, and I therefore withhold my vote.

Mr. CHILTON. I have a pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I am informed that if he were present he would vote as I shall vote. I therefore vote "yea."

Mr. DU PONT. I wish to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with him, I withhold my vote.

Mr. GRONNA. I inquire whether the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator, which I transfer to my colleague [Mr. McCUMBER] and will vote. I vote "nay."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I am informed by his colleague [Mr. LODGE] that if the junior Senator from Massachusetts were present he would vote as I shall vote. I therefore vote "yea."

Mr. POINDEXTER. I desire to state that the senior Senator from Maine [Mr. JOHNSON] and the junior Senator from Florida [Mr. BRYAN] are engaged on business of the Senate at a hearing before the subcommittee of the Committee on Naval Affairs.

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is temporarily absent from the Chamber. If he were present, he would vote "yea."

The result was announced—yeas 45, nays 6, as follows:

#### YEAS—45.

Chamberlain	Kern	Reed	Thomas
Chilton	Lane	Robinson	Thompson
Clapp	Lea, Tenn.	Root	Thornton
Cummins	Lodge	Saulsbury	Tillman
Dillingham	Martin, Va.	Shafroth	Vardaman
Fletcher	Norris	Sheppard	Walsh
Gallinger	Oliver	Sherman	White
Gore	Overman	Smith, Ariz.	Williams
Hardwick	Page	Smith, Ga.	Works
James	Penrose	Smith, Mich.	
Jones	Perkins	Smith, S. C.	
Kenyon	Poinexter	Smoot	

#### NAYS—6.

Catron	Gronna	Pomerene	Sterling
Crawford	Martine, N. J.		

#### NOT VOTING—45.

Ashurst	Colt	Lippitt	Simmons
Bankhead	Culbertson	McCumber	Smith, Md.
Borah	du Pont	McLean	Stephenson
Brady	Fall	Myers	Stone
Brandeggee	Goff	Nelson	Sutherland
Bristow	Hitchcock	Newlands	Swanson
Bryan	Hollis	O'Gorman	Townsend
Burleigh	Hughes	Owen	Warren
Burton	Johnson	Pittman	Weeks
Camden	La Follette	Ransdell	
Clark, Wyo.	Lee, Md.	Shields	
Clarke, Ark.	Lewis	Shively	

So the amendment of the committee was agreed to.

The SECRETARY. The next amendment passed over is, on page 14, line 8, after the word "act," to insert: "and have been imported with the permission of the Secretary of Labor in accordance with said section."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 15, line 5, after the word "solicit," to insert "or attempt to induce, assist, encourage, or solicit."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 18, line 23, after the word "any," to strike out the words "mental or."

Mr. REED. Mr. President, I move, as a substitute for the committee amendment, to insert, after the word "mental," the words "defect other than those above specifically named," so that, if amended, the clause will read:

It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature—

And so forth.



Mr. SMITH of South Carolina. On behalf of the committee, I accept that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, line 23, after the word "mental," it is proposed to insert the words "defect other than those above specifically named."

The VICE PRESIDENT. The committee amendment will be disagreed to, then, without objection. The question is on the amendment of the Senator from Missouri, which proposes to insert, after the word "mental," the words "defect other than those above specifically named."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 19, line 5, after the word "such," to strike out the words "mental or."

Mr. LODGE. That is the same thing.

Mr. REED. The words "mental or" ought not to be stricken out there. They ought to remain in. The committee amendment simply ought to be withdrawn, in order to make it conform to the language previously used.

Mr. SMITH of South Carolina. Mr. President, the subsequent amendment, after the adoption of the amendment of the Senator from Missouri, would be simply accepting the Senate amendment striking out the words "mental or."

Mr. REED. No; you want "mental" here. We have provided for a "mental defect other than those above specifically mentioned," and therefore the word "mental" ought to remain in the bill.

Mr. SMITH of South Carolina. Very well, Mr. President. I accept the amendment, and the committee recedes from its amendment.

The VICE PRESIDENT. Let the Chair understand the situation. Is the same language to be inserted on page 19 that was inserted at the foot of page 18?

Mr. SMITH of South Carolina. No; just leave out the amendment.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was rejected.

The VICE PRESIDENT. All the committee amendments have been disposed of now save the amendment on page 2, which has been passed over to await the return of the Senator from New York and the Senator from Minnesota.

Mr. GALLINGER. Mr. President, a few days ago I raised a question as to the phrase "constitutional psychopathic inferiority." I afterwards withdrew any objection to it. I desire to have read, for the information of the Senate, a letter which discusses that somewhat peculiar phrase.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SMITH of South Carolina. I should like to have the attention of the Senator from Missouri for a moment.

Mr. GALLINGER. Let the letter be read that I sent to the desk.

Mr. SMITH of South Carolina. Very well.

The Secretary read as follows:

THE NATIONAL COMMITTEE FOR MENTAL HYGIENE,  
50 UNION SQUARE, NEW YORK CITY, December 12, 1914.

HON. JACOB H. GALLINGER,  
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: My attention has been called to the debate in the Senate—December 10, 1914—on the proposed amendment to the immigration law which adds "constitutional psychopathic inferiority" to the excludable conditions.

This is one of the amendments which was suggested by a number of officials dealing with insanity and mental deficiency in the different States and by bodies of alienists last winter. It has been urged by the National Committee for Mental Hygiene, the American Medical Psychological Association, the New York Psychiatric Society, the National Association for the Study of Epilepsy, the Mental Hygiene Committee of the New York State Charities Aid Association, and by a number of State medical societies. It was also recommended by Dr. Spencer L. Dawes in his report to the governor of New York as special commissioner on the alien insane; by Dr. L. Vernon Briggs, representing the Massachusetts State Board of Insanity; by Dr. Frank Woodbury, representing the committee in lunacy of the Pennsylvania State Board of Charities; and by Dr. Hugh Young, representing the Maryland State Lunacy Commission.

It is felt by all who have devoted especial study to the matter that the elimination of any of the amendments proposed for the exclusion of insane and mentally defective immigrants would be a distinct loss, for all of them were suggested only after very careful study of the problem at ports of entry and in public institutions of the United States which bear the heavy burden of the care of insane and mentally defective aliens.

Respectfully, yours,

THOMAS W. SALMON.

Mr. GALLINGER. Inclosed in that letter from Dr. Salmon, who is a very distinguished physician, is a memorandum entitled "Reasons for adding 'constitutional psychopathic inferiority' to the excludable classes named in the immigration law." This is a very interesting memorandum, which I think

possibly the conference committee might want to examine if there is any controversy over this matter, and I ask that without reading it be printed in connection with the letter just read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The memorandum referred to is as follows:

REASONS FOR ADDING "CONSTITUTIONAL PSYCHOPATHIC INFERIORITY" TO THE EXCLUDABLE CLASSES NAMED IN THE IMMIGRATION LAW.

The Government medical officer who is examining immigrants must certify diseased conditions which he finds in the precise language of the immigration law. In no other way can the question of the admission or exclusion of the immigrant be brought before the boards of special inquiry which have the power of deciding the matter. For this reason it is absolutely necessary that medical terms in the immigration law should admit of only one interpretation. In order to do this such terms must be those in recognized use in medicine in this country at the present time. Thus, the term "tuberculosis," which has been in the immigration law since 1907, was used instead of "consumption," because it had a more precise meaning.

The amendments to the immigration bill now under consideration were urged upon Congress to afford this country better protection against the admission of insane or mentally defective immigrants and those likely to become insane than it has at the present time. If this purpose is to be accomplished, the law must name the conditions which it is desired to exclude by terms which will be incapable of misinterpretation by the examining medical officers upon whom the great responsibility of diagnosis rests.

If, as has happened in this case, a term unfamiliar to laymen and unfamiliar to some physicians not engaged in the special field of the alienist has to be used, it is an unfortunate but unavoidable necessity. The term "constitutional psychopathic inferiority" has a definite meaning in that branch of medical science which devotes itself to diseases of the mind.

Definitions are often less illuminating than descriptions, but this term can be defined with approximate correctness as a congenital defect in the emotional or volitional fields of mental activity which results in inability to make proper adjustments to the environment.

The present immigration law specifically mentions idiots, imbeciles, and feeble-minded persons as those whose exclusion is mandatory, and also mentions insane persons and those who have had former attacks of mental disease. Between those enumerated there is an important class which can best be described by the term "constitutional psychopathic inferiority." This condition, while not properly described as insanity or as mental deficiency, in which term we include idiocy, imbecility, and feeble-mindedness, is nevertheless the foundation for most of the types of mental disease. In many instances it is quite impossible, even with the most careful examination, to recognize the existence of constitutional psychopathic inferiority. The life history of the patient is often required for this purpose, but this is not a satisfactory reason for failing to make use of the term in an immigration law, for it is equally true that prostitutes, contract laborers, and persons belonging to many other excludable classes can not all be detected by an examination at the port of entry. It is true, however, that a competent medical examination can detect many cases of constitutional psychopathic inferiority, and that the present medical examination at Ellis Island and other ports of entry does detect such cases, but without avail, as there is no provision in the law for their exclusion.

It is necessary that persons with this condition should not be confounded from those who suffer from a purely intellectual defect. Many persons with marked evidence of constitutional psychopathic inferiority acquire knowledge with ease, and some graduates from college. Their inability to make use of acquired knowledge in governing their lives or meeting the various difficult situations which laws, social customs, and other environmental factors impose characterize the persons who possess constitutional psychopathic inferiority. Inability to make satisfactory adjustment to these factors often results in crime, and thus we find large numbers of persons in this class in the correctional institutions of this country. Those in whom constitutional psychopathic inferiority is shown, particularly in volitional fields, constitute a considerable proportion of habitual petty criminals, vagrants, tramps, and ne'er-do-wells, whose management is an important social problem. They yield readily to temptations of various kinds, and thus we find that a very large proportion of prostitutes, drug habitues, and alcoholics have constitutional psychopathic inferiority. The acquisition of information which would enable a normal person to support himself and his family and become a useful citizen is entirely wasted upon those who lack the power to make a proper choice in conduct or who lack the motive force to carry out any project requiring consecutive effort.

This term is in constant use as a classification of patients admitted to public hospitals for the insane. It means a very definite condition to those who are engaged in the special field of psychiatry. It has its place in textbooks on this subject, and a number of articles have appeared in current medical literature dealing with this condition.

The two following medical articles are general in their treatment of the subject and give very clear pictures of the condition which is described by this term:

"Constitutional inferiority and its psychoses," by Dr. C. P. Oberndorf, *Journal of the American Medical Association*, vol. 58, pp. 249-252. "Psychic constitutional inferiority—some fundamental conceptions," by Dr. Morris J. Karpas, *New York Medical Journal*, vol. 97, pp. 594-598.

Mr. SMITH of South Carolina. The committee amendments having been completed, I ask that the bill be temporarily laid aside.

Mr. GALLINGER. There is one amendment which was not agreed to.

Mr. SMITH of South Carolina. That is understood. There is one amendment that went over.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1914, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 15, 1914.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for that mysterious providence which shapes our ends, rough-hew them how we may; for that wonderful patience and that love which suffereth long and is kind.

In our supremest moments Thou art with us; in our moments of defeat Thou dost wait upon us. When we stand on the mountain top of hope Thou art with us; when we are cast down into the valley of despair Thou dost wait upon us. When we are strong to resist temptation Thou art with us, and when we fall into sin Thou dost wait upon us. When our hearts are filled with the love of dear ones Thou art with us, and when they are taken from us Thou dost comfort and sustain us.

Though the mills of God grind slowly, yet they grind exceeding small; Though with patience He stands waiting, with exactness grinds He all.

The end justifies the means, for in the dispensation of Thy providence Thou art working out for us a more exceeding weight of glory.

Help us to be true to ourselves, to others, and to Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## HOLIDAY RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman sends up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 55.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn December 23, 1914, they stand adjourned until 12 o'clock meridian on Tuesday, December 29, 1914.

Mr. UNDERWOOD. Mr. Speaker, I will say to the House that I have consulted the majority leader of the Senate in reference to this resolution and have agreed with him to this time of adjournment. He states that the terms of the resolution will be satisfactory to the Senate.

Mr. FITZGERALD. Is it intended to take any adjournment over New Year's?

Mr. UNDERWOOD. I do not think it is necessary to take any adjournment over New Year's by concurrent action of the two Houses. When we get to that day we can determine that matter.

Mr. FITZGERALD. So that there may be some knowledge given to the Members of what the intention is, will the gentleman state just what it is?

Mr. UNDERWOOD. I will say to the gentleman from New York that I think if appropriation bills are ready and pushing when we reach New Year's Day we ought to go ahead with them. If they are not, why, as far as I am concerned, I shall be perfectly willing to adjourn over the day; but I think if there are appropriation bills here that require attention we ought to go on and dispose of them.

Mr. FITZGERALD. The purpose is not to adjourn for more than one or two days at the most?

Mr. UNDERWOOD. No; not at all.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Illinois.

Mr. MANN. Why not adjourn on Thursday preceding New Year's until the following Monday? The appropriation bills are getting along pretty fast, and I think we will get along faster with that understanding than we will without it.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that when that time comes, as far as I am concerned, I shall be glad, as I always am, to follow the wishes of the House; but I find a very strong sentiment on this side of the House, among a large majority of the Members here, in favor of having a short Christmas holiday and disposing of the appropriation bills as rapidly as possible.

Mr. MANN. I suppose gentlemen on that side of the House may talk a little bit differently to the gentleman from Alabama than they do to me, and different gentlemen talk differently. I have had a great many protests from that side of the House.

Mr. UNDERWOOD. Well, I have had a few, but I have found in talking to Members on this side of the House that a very large majority of them are anxious to dispose of the appropriation bills and be assured that we will get them through at an early date and have no cause for an extra session.

Mr. FITZGERALD. Why should anybody protest to the gentleman from Illinois? He is not running the House.

Mr. MANN. There are so many who think they are that they protest generally.

Mr. STAFFORD. Has the gentleman considered adjourning early enough so as to give Members who live in the Middle West time to get to their homes before Christmas?

Mr. UNDERWOOD. This adjournment on Wednesday evening will allow every man who lives this side of the Mississippi River to get home if he wants to, and Members who live on the other side of the Mississippi River do not usually go home for the Christmas holidays.

Mr. STAFFORD. If we are in session until late Wednesday night previous to Christmas, it will not permit men living this side of the Mississippi River to get home until Christmas Day, and that is not a very opportune time to begin the celebration of the Christmas holidays at home.

Mr. UNDERWOOD. Wednesday is Calendar Wednesday, and, as a general rule, the attendance is not very full on that day. I have no doubt that the Members who have to get away on Wednesday afternoon can make arrangements so that they can get away.

Mr. STAFFORD. I understood that a special rule was going to be brought in to take up the prohibition amendment on Tuesday and provide 10 hours' debate, which would run over into Calendar Wednesday.

Mr. UNDERWOOD. I will say to the gentleman from Wisconsin that one reason why I desire not to adjourn until Wednesday night is that I want to give an opportunity for the Rules Committee to bring out the rule for the consideration of the prohibition amendment on Tuesday. Personally I am opposed to the constitutional amendment, and when the time comes to vote on the amendment I intend to vote against it; but there are a large number of people in the United States who are demanding a vote on that question, and it has been the policy of the Democratic Party since it has been in control of this Government not to suppress votes on great questions when there are a large number of people demanding consideration, even if they are in the minority, as I think they will be on this question. I think that question ought to be disposed of, and it will be better to dispose of it before the Christmas holidays and have it out of the way before we settle down to the work of the session afterwards.

Mr. MADDEN. The gentleman intends to give them that for a Christmas present?

Mr. UNDERWOOD. Although I intend to vote against the constitutional amendment, I will vote for the rule for its consideration, and I hope the Rules Committee may give an opportunity to take up the resolution and dispose of it on to-day week.

Mr. STAFFORD. Does not the gentleman think that a week from Tuesday is an opportune time for Members to leave for home and escape voting on an important constitutional amendment?

Mr. UNDERWOOD. I will say to the gentleman that probably some Members may not want to vote on that resolution. If they do not, they will find an excuse on any day in the year not to be here. But Members who want to go on record, I have no doubt, will all be here on Tuesday unless some unforeseen event keeps them away.

The SPEAKER. The question is on the resolution offered by the gentleman from Alabama.

The question was taken, and the resolution was agreed to.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

For compensation of Senators, \$720,000.



Mr. MANN. Mr. Chairman, I move to strike out the last word. We adjourned until 11 o'clock this morning, and I presume that a large share of the membership of the House may have failed to get the notice that the House was to meet at 11 o'clock. Why not pass over the mileage item until later in the day when Members will have come in?

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that we pass over the provision for mileage until about 12.30 o'clock to-day.

Mr. MADDEN. Reserving the right to object, it seems to me that it is the duty of Members to be here, and that this is an item in which all Members are interested. They will not be here until 12 o'clock unless we have a call of the House, and we will have to have a call of the House anyway. I make the point of no quorum.

Mr. MANN. I do not think we would have to have a call of the House.

Mr. MADDEN. Very well, then, Mr. Chairman, I will withdraw the point of no quorum, but if they are not in at that time, I shall renew the point.

Mr. JOHNSON of South Carolina. I ask unanimous consent, Mr. Chairman, that we pass over lines 4 to 11 until 12.30 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

For mileage of Representatives, Delegates, and expenses of Resident Commissioners, \$43,750.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that that paragraph be passed over until it can be taken up in connection with the like provision that we have already passed over for mileage.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, \$1,900; assistant engineers—3 at \$1,300 each, 1 at \$1,200; 24 elevator conductors, including 14 for service in the House Office Building, at \$1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, \$1,300; electrician, \$1,200; 3 laborers, at \$800 each; in all, \$40,700.

Mr. HAMLIN. Mr. Chairman, I offer the following amendment: On page 14, line 1, strike out the word "three" at the beginning of the line and insert the word "four," and strike out in the same line the word and figures "one at \$1,200," so that it will read "assistant engineers, 4 at \$1,300 each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 1, strike out the word "three" at the beginning of the line and insert the word "four." Strike out in the same line the figures "\$1,200," so that the line will read "assistant engineers, 4 at \$1,300 each."

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HAMLIN. Mr. Chairman, I do not think it is subject to a point of order. I would like to make a statement to the committee as to why I offer the amendment. The man who now occupies the office as fourth assistant engineer has been in the service for about 29 years. He is a very competent man, and Congress, very kindly, a few years ago promoted him from fireman to assistant engineer, on the recommendation of the superintendent of public buildings and grounds. He is doing the same work as the other assistant engineers. I simply offer the amendment in the interest of justice and right between man and man. I feel that he is entitled to the same pay that the other three assistant engineers are receiving.

It only means an increase of a little over \$8 a month, but that means a whole lot to this man. Aside from the question of dollars and cents, I feel that, inasmuch as he holds the same position, has the same responsibilities, and does the same work that the other assistant engineers do, he is entitled to the same pay. It is true that they use him sometimes as an elevator conductor. He never complained at any assignment that is made. Only recently, during this last session—and I am registering no complaint about it—he was designated to run the elevator on a usual shift, working the usual number of hours, and then notified that when his shift was up as conductor he should report at the heating and ventilating department and continue his work there as assistant engineer. He was not to draw any more money than the elevator man who would get off after his shift was up and go home. But this man does not complain and is not complaining. I feel it is a matter of right and justice that, inasmuch as he occupies the position of assistant engineer and does the work and is subject to call at any time, that he ought to have the same pay that the other engi-

neers have. I submit it to the committee and appeal to their judgment to treat this man as they are treating the others.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. GOULDEN. How long has he been occupying this position as assistant engineer?

Mr. HAMLIN. I think this is his second year as assistant engineer, but he has been in the department over 29 years. He used to shovel coal down there. He has given the best part of his life to this work, and I only ask for him equal treatment with the others.

Mr. JOHNSON of South Carolina. Mr. Chairman, we increased the salary of this particular man from \$800 to \$1,200 two years ago in the legislative bill, and, in view of the very generous action of the Committee on Appropriations in dealing with him, I think I must insist on the point of order at this time. We are not increasing any salaries.

The CHAIRMAN. Is this salary fixed by law?

Mr. FITZGERALD. Mr. Chairman, every salary in this bill is the salary fixed by law under the provision of the last legislative bill.

Mr. MANN. Mr. Chairman, this amendment is clearly not subject to the point of order.

Mr. HAMLIN. I think not.

Mr. FITZGERALD. It is.

Mr. MANN. Not at all. Here is a proposition to increase the number of assistant engineers from three to four. The number is not fixed by law. It may be said by some that striking out the provision for an engineer at \$1,200 and adding one to the \$1,300 class is raising a man's salary; but that is a presumption indulged in by the man, and the chances are that he would not hold the job.

The CHAIRMAN. Does the law fix the number at three?

Mr. MANN. The law does not fix the number. Every appropriation bill has to be left so that the number of the ordinary employees can be increased. Take the Post Office bill, for example, which is soon to be considered in the House. We constantly increase the number of employees in one class and reduce the number of employees in another class, although some of them may thereby be promoted. A proposition to raise the salary of a man from \$1,200 to \$1,300 would be subject to the point of order, but an amendment to increase the number of employees at a particular salary, where the number is not fixed by law, is not subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, the Chair has ruled, but I desire to call the attention of the Chair to the fact that the amendment in terms provides for the increase of the salary.

Mr. MANN. Oh, no; it does not.

Mr. FITZGERALD. The gentleman explained that was the purpose of it. It increases the number receiving \$1,300 by one and strikes out the provision for one at \$1,200.

Mr. MANN. The gentleman knows that one of these appropriation bills would not last 15 minutes if we could not increase the number of employees receiving certain salaries. That is done all through this bill. Does the gentleman want a point of order made every time we respond to the needs of the department and increase the number of employees in a certain class where the number is not fixed by law?

Mr. FITZGERALD. Three years ago the gentleman from Missouri [Mr. HAMLIN] made a very pathetic appeal to the Committee of the Whole House on the state of the Union requesting that the compensation of this particular man be increased from \$800 to \$1,200, and he stated that while he was classified as a fireman, yet in effect he was doing the work of an assistant engineer—that he was a man of long and faithful service; and it was stated then that the matter would be inquired into at the following session. I think it was at the following session that the matter was looked into carefully, and it was ascertained that the man had been employed for a number of years, had rendered faithful service, and was performing other duties than those strictly of an assistant engineer. Upon the recommendation of the Committee on Appropriations the compensation was increased from \$800 to \$1,200 a year, and we have now a repetition of the old story. Let the camel get his nose under the tent and he will soon have his entire body under it, if he is once given the opportunity. It is urged here now that there are three assistant engineers who receive \$1,300 a year each, and that this man's work is really similar to theirs, and that, therefore, he should get \$1,300 a year. His work is not similar and the services rendered are not similar. He is paid fairly for the services that he renders. There is no request or recommendation that any further increase be granted to him, and I hope the committee will not agree to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAMLIN. Mr. Chairman, just one word. There is no criticism that I offer of the Appropriations Committee. They did raise the salary of this man, after we waited a year, from \$800 to \$1,200 on the statement, as just made by the gentleman from New York [Mr. FITZGERALD], that he was really doing the work of an assistant engineer and only drawing \$800 a year. It was a tardy recognition of this poor fellow's services. There is no question in the world about that, but they ought to have made it \$1,300 at that time. They did not do it.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. PAGE of North Carolina. Mr. Chairman, the gentleman makes the statement that this man is performing exactly the services of the other three men, although by the gentleman's former statement he is not. He is also put at other things, which would tend to show that they do not need four assistant engineers at this place.

Mr. HAMLIN. They do need him, and he takes his shift as an assistant engineer whenever they call upon him to do so. As I stated a while ago, when they need an extra elevator man and they do not need the services of this fourth assistant engineer they put him on the elevator, and they make him work the full time of an elevator man and then require him to report down at the other department and put in extra hours as an assistant engineer.

Mr. FITZGERALD. Oh, no.

Mr. HAMLIN. Oh, yes. I beg the gentleman's pardon, but that is correct. That has occurred within the last three or four months.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. MANN. If we should increase this man's salary from \$1,200 to \$1,300 while he is performing the duties of an elevator man, would we not then be required to increase the salaries of the other elevator men from \$1,200 to \$1,300?

Mr. HAMLIN. I think not, but I am glad the gentleman has raised that question.

Mr. MANN. They would surely think so.

Mr. HAMLIN. I want this fully understood before the vote is had. I think not, because this man not only performs the work of an elevator man when he is assigned to an elevator—and he is not assigned to an elevator every day by any means, his work is primarily that of an assistant engineer—but when they need an extra man they assign him to do that work. They not only require him to do the work of an elevator man, but they tell him, "When you have finished your hours as an elevator man you can report back down to our department and we have work for you there." That has not only occurred once, but day after day where he has worked as an elevator man during the hours assigned to the elevator men and then has gone to work as an assistant engineer.

Mr. FITZGERALD. Mr. Chairman, the truth of the matter is—

Mr. HAMLIN. That is true, if the gentleman will permit me.

Mr. FITZGERALD. The elevator men were permitted to go home in order to register, and arrangements were made that some other men employed in other positions be detailed to do their work.

Mr. HAMLIN. Oh, no.

Mr. FITZGERALD. I know what I am talking about, because I had something to do with it. This man is a sort of general utility man—

Mr. MANN. Oh, no.

Mr. FITZGERALD. I beg the gentleman's pardon, but I know.

Mr. HAMLIN. I beg the gentleman's pardon also, and I know that he has done elevator work and he has been required to report down there and do other work after elevator hours were over when there was no registration on at no time near election time.

Mr. ADAIR. Will the gentleman permit me a question?

Mr. HAMLIN. Yes.

Mr. ADAIR. Is this gentleman you refer to working more than eight hours a day?

Mr. HAMLIN. He sometimes works more than eight hours a day; but I am not making a point on that.

Mr. ADAIR. Then it is in violation of the law, is it not?

Mr. HAMLIN. He has done it, I am told.

Mr. LANGLEY. Under the present administration?

Mr. HAMLIN. Under the supervision of the Superintendent of Buildings and Grounds. It is only in justice to this man I am pleading. I do not care—if the committee wants to turn it

down, of course they have a right to do it—but I say it is only fair and just to this man that he should get \$1,300, the same as the other assistant engineers.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a word. We increased the salary of this man from \$800 to \$1,200 just a year or two ago. The superintendent has not asked for any increase. The Committee on Appropriations had no request to increase his salary, and no evidence on which to base such an increase, and I hope that the committee will not pile up this appropriation bill so that we will be criticized when it gets through the House.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$1,000. Agriculture—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$1,000. Appropriations—clerk, \$4,000, and \$1,000 additional while the office is held by the present incumbent; assistant clerk and stenographer, \$2,500; assistant clerks—1, \$1,900; 1, \$1,800; janitor, \$1,000. Banking and Currency—clerk, \$2,000; assistant clerk, \$1,200; janitor, \$720. Census—clerk, \$2,000; janitor, \$720. Claims—clerk, \$2,500; assistant clerk, \$1,200; janitor, \$720. Coinage, Weights, and Measures—clerk, \$2,000; janitor, \$720. District of Columbia—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$720. Election of President, Vice President, and Representatives in Congress—clerk, \$2,000. Elections No. 1—clerk, \$2,000; janitor, \$1,000. Elections No. 2—clerk, \$2,000; janitor, \$720. Elections No. 3—clerk, \$2,000; janitor, \$720. Enrolled Bills—clerk, \$2,000; janitor, \$720. Foreign Affairs—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$720. Immigration and Naturalization—clerk, \$2,000; janitor, \$720. Indian Affairs—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$720. Industrial Arts and Expositions—clerk, \$2,000; janitor, \$720. Insular Affairs—clerk, \$2,000; janitor, \$720. Interstate and Foreign Commerce—clerk, \$2,500; additional clerk, \$2,000; assistant clerk, \$1,500; janitor, \$1,000. Irrigation of Arid Lands—clerk, \$2,000; janitor, \$720. Invalid Pensions—clerk, \$2,500; stenographer, \$2,190; assistant clerk, \$2,000; janitor, \$1,000. Judiciary—clerk, \$2,500; assistant clerk, \$1,600; janitor, \$720. Labor—clerk, \$2,000; janitor, \$720. Library—clerk, \$2,000; janitor, \$720. Merchant Marine and Fisheries—clerk, \$2,000; janitor, \$720. Military Affairs—clerk, \$2,500; assistant clerk, \$1,500; janitor, \$1,000. Naval Affairs—clerk, \$2,400; assistant clerk, \$1,500; janitor, \$1,000. Patents—clerk, \$2,000; janitor, \$720. Pensions—clerk, \$2,500; assistant clerk, \$1,600; janitor, \$720. Post Office and Post Roads—clerk, \$2,500; assistant clerk, \$1,400; janitor, \$1,000. Printing—clerk, \$2,000; janitor, \$1,000. Public Buildings and Grounds—clerk, \$2,500; assistant clerk, \$1,200; janitor, \$720. Public Lands—clerk, \$2,000; assistant clerk, \$1,200; janitor, \$720. Revision of the Laws—clerk, \$2,000; janitor, \$720. Rivers and Harbors—clerk, \$2,500; assistant clerk, \$1,800; janitor, \$1,000. Roads—clerk, \$2,000; janitor, \$720. Rules—clerk, \$2,000; janitor, \$720. Territories—clerk, \$2,000; janitor, \$720. War Claims—clerk, \$2,500; clerk to continue Digest of Claims under resolution of March 7, 1888, \$2,500; assistant clerk, \$1,200; janitor, \$720. Ways and Means—clerk, \$3,000; assistant clerk and stenographer, \$2,000; assistant clerk, \$1,900; janitors—1, \$1,000; 1, \$720. In all, \$168,750.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, between lines 20 and 21, insert the following: "To pay the salary of the reviser of the United States Statutes for the Committee on Revision of the Laws from June 30, 1915, to June 30, 1916, as authorized and provided by House resolution No. 555, Sixty-third Congress, second session, agreed to on July 3, 1914, \$4,000."

Mr. WATKINS. Mr. Chairman, on July 3, 1914, as reported by the Committee on Accounts, House resolution No. 555 was adopted. The resolution is as follows:

*Resolved*, That the Committee on Revision of the Laws of the House of Representatives is hereby authorized to employ a competent person to assist the committee in codifying, revising, and compiling the statutes of the United States under the direction and supervision of the committee.

The resolution provided that until the compensation was otherwise provided for the compensation should be paid out of the contingent fund of the House, and when the deficiency bill was up an effort was made to have this compensation provided for in that bill, because the contingent fund was running rather short, and this was the statement of the chairman of the Committee on Appropriations when that question was under consideration:

Mr. FITZGERALD. I do not know what the resolution is that has been adopted. The practice has been that the compensation is paid out of the contingent fund, and if the position is continued after the time when the next legislative bill is under consideration, the position will be provided for in that bill.

And a little farther down he said:

If the place is to be continued beyond this session of Congress, provision will be made for it in the legislative bill.

Now, in pursuance of that statement, as chairman of the Committee on the Revision of the Laws, I appeared before the subcommittee having this matter in charge, the subcommittee of the Committee on Appropriations, and that subcommittee reported to the full committee in favor of placing \$4,000, as provided for in this resolution 555, in the appropriation bill. The first report printed on this bill, which we now have under consideration, stated that that item had been allowed. The daily newspapers of the city of Washington yesterday reported the same thing, but on examining the bill I find that it is omitted.



Now, Mr. Chairman, as to the necessity for this position, I will state that for two years the Committee on the Revision of the Laws, making every possible effort to proceed with that work, found obstacles in the way to such an extent it was impossible to proceed to codify and revise the laws as they were required to do under the law providing for that committee. At the last session of Congress the codification bill on the remainder of the judicial title was presented, which was quite a voluminous document and required a good deal of work and technical and expert knowledge to do the work, and at this session of Congress the Committee on Revision of the Laws have prepared and have ready, with the assistance of this reviser, the common-carrier code, which is one of the most complicated in our law. It can not be for a moment contended that the work of this reviser is not worth \$4,000, because this work had cost under former systems from \$15,000 to \$20,000, and more frequently \$20,000 a year. I do not think there is a member of the Committee on Appropriations who will oppose the allowance of this amount if he understands the work that is absolutely necessary to be done.

We are getting further and further behind all the time with our statutes. They are in such a confusion it is almost impossible to tell what the law is on any subject matter. At the last session of Congress there was a commission appointed for the purpose of revising the land laws of the United States. They are nothing like as voluminous, complicated, or intricate, nor do they require the technical knowledge that this revision work does, and that commission was allowed to spend \$25,000 on that alone. We now present to the Congress a work of more value, the codification of the common carrier's code, which requires more work and more technical knowledge than that, and only costs a part of the \$4,000 that has been allowed to this reviser.

Now, Mr. Chairman, I will be glad, if there is any opposition to this allowance, to hear from those who are opposed to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

Mr. JOHNSON of South Carolina. Mr. Chairman, there is no dispute about the facts. This man is provided for by a resolution of the House. He is now in the service of the committee, and is being paid out of the contingent fund. The subcommittee incorporated the provision in the bill, but the full committee, after discussing the matter, decided that it was not necessary to bring it into the legislative bill and provide a statutory salary, which might never cease, but that we would continue to allow this man to be employed under the resolution of the House and to be paid out of the contingent fund of the House. He is not being deprived of the services of this clerk or reviser. It is only a question as to whether the House will continue to pay him out of the contingent fund or whether we will put him into the statutory salaries, which are so hard, once established, ever to abolish. And inasmuch as our genial friend from Louisiana has the help, I think it makes little difference to him whether the man is paid by the Clerk of the House of Representatives or by the Treasurer of the United States.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. COX. Is he getting his \$4,000 a year now?

Mr. JOHNSON of South Carolina. He is getting his \$4,000 a year.

The CHAIRMAN. The question is on the amendment of the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I reserve my time.

The CHAIRMAN. The gentleman can not reserve time, but will be heard if he so desires.

Mr. WATKINS. This resolution provides for a permanent position. To take up this law by piecemeal and hash it up, and take a part one session and let the reviser work during that session and drop it there, would amount to nothing at all. We want to go ahead regularly with the work, and the resolution provides for a regular position. It does not provide for a temporary position. There is nothing temporary about it, except that the payment shall be made out of the contingent fund until it goes into a regular appropriation bill. If we should let the reviser wait now and not proceed with his work after the session of Congress and not proceed under the resolution, which is a permanent statute and creates a position, then we could make no headway whatever with the work. In other words, if we take it up by piecemeal, one part of a statute or subject matter at one session and another part at another session, and only work during sessions of Congress and take chances of his being paid out of the contingent fund, the work would not only be unsatisfactory but inefficient, and amount to nothing whatever. The resolution provides for a permanent position.

Mr. MANN. Will the gentleman yield for a question?

Mr. WATKINS. Certainly.

Mr. MANN. Is the gentleman able to inform the House whether the committee in the Senate has taken up for consideration in committee the codification bill that we passed?

Mr. WATKINS. They had quite a controversy in the Senate some time ago. It was referred to the Joint Committee on the Revision of the Laws, and then referred to the Committee on the Judiciary, and they have been proceeding as expeditiously as they could with the amount of work before them.

Mr. MANN. Have they had any hearings on it at all?

Mr. WATKINS. I do not know. A hearing on a bill like that amounts to nothing at all.

Mr. MANN. Have they taken any action in the committee at all?

Mr. WATKINS. I have been informed they are having it examined and going through it to see whether there are any changes to be made in the bill; and they have promised they will report back the bill as soon as they get through.

Mr. MANN. The gentleman said they were having it examined. To whom do they send it for examination? I thought it was legislation. Do they send it to some clerk for examination?

Mr. WATKINS. I do not know what individual they have doing the work, but I know they have said they were going to report the bill back as soon as they get through.

Mr. MANN. Well, it is customary to send such things to the White House, but I assume the President does not have time to pass on bills of that character and tell the Senate whether he agrees to them or not.

Mr. WATKINS. It is a piece of work that the President is not encumbered with.

Mr. MANN. I was told by Senators that it was as dead as it could be.

Mr. WATKINS. The facts are that they have promised to proceed with the consideration of the bill and report it out just as soon as they can get through with the clerical work and get an opportunity to present it to the Senate.

Mr. MANN. Does the gentleman think there is any chance of its being passed by the Senate during this session of Congress?

Mr. WATKINS. After they get through with the appropriations, if there is any time left they will take it up in the regular order.

Mr. MANN. If they do not take it up until after the appropriation bills, which will not be passed before half past 11 o'clock on March 4, there will not be much time.

Mr. WATKINS. If they do not get through with it, the work is there just the same.

Mr. MANN. In the next Congress the House will have to pass it over again.

Mr. WATKINS. With the gentleman from Illinois commending the work and every Member on both sides of the House having voted for it, I do not think it will take much time to go over it again.

Mr. MANN. I hope not.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

Mr. JOHNSON of South Carolina. One word, please, Mr. Chairman. I want to be fair to the House. I now understand under the resolution the reviser would go off the roll on the 4th of March. I was under the impression that he was permanent. I just want to make that statement, because I do not want to misstate any fact.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. WATKINS. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 30, yeas 49.

Mr. WATKINS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. The Chair will count. All those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Sixteen Members have arisen, not a sufficient number.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. WATKINS. I withdraw the point, Mr. Chairman.

The CHAIRMAN. The gentleman withdraws the point that there is no quorum present. The Clerk will read.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, \$5,000; hire of horses and wagons and repairs of same, \$1,200, or so much thereof as may be necessary;

special employee, \$1,500; superintendent of reporters' gallery, \$1,400; janitor, \$1,500; messengers—16 at \$1,180 each, 14 on soldiers' roll at \$1,200 each; laborers—15 at \$720 each, 1 in the water-closet \$720, 1 \$680, 2 known as cloakroom men at \$840 each, 8 known as cloakroom men, 2 at \$720 each and 6 at \$600 each; female attendant in ladies' retiring room, \$800; superintendent of folding room, \$2,500; foreman, \$1,800; 3 clerks, at \$1,600 each; messenger, \$1,200; janitor, \$720; laborer, \$720; 32 folders, at \$900 each; 2 drivers, at \$840 each; 2 chief pages, at \$1,200 each; 2 messengers in charge of telephones, 1 for the minority, at \$1,200 each; 46 pages during the session, including 2 riding pages, 4 telephone pages, press gallery page, and 10 pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$23,920; superintendent of document room, \$2,900; assistant superintendent, \$2,100; clerk, \$1,700; assistant clerk, \$1,800; assistants—7 at \$1,280 each, 1 at \$1,100; janitor, \$920; messenger to press room, \$1,000; in all, \$157,220.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the word "entrances," on line 16 of page 17, be correctly spelled.

The CHAIRMAN. Without objection, the Clerk will be authorized to make the proper correction.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For assistant department messenger authorized and named in the resolution of December 7, 1897, \$2,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. As to the assistant department messenger, would the gentleman from South Carolina [Mr. JOHNSON] have any objection to making that read, "For department messenger, \$2,000"? There is not any messenger. Here is an assistant. I think under the resolution that has been changed. Why not make that read, "Department messenger, \$2,000"?

Mr. JOHNSON of South Carolina. The clerk of the committee informs me that the resolution has not been changed, and that the department messenger has been dropped out of the law, but that this man is holding as assistant under that resolution.

Mr. MANN. Why not change it now and make it read, "For department messenger, \$2,000," instead of having an assistant to something that does not exist? That would make it in order hereafter.

Mr. JOHNSON of South Carolina. Then they would name some other man. This particular man was legislated into office by this resolution, and if we changed the office they would change the officeholder.

Mr. MANN. I do not think so. This bill provides that the change of the officeholder be made by the House itself.

Mr. JOHNSON of South Carolina. They would name an assistant and this man, too.

Mr. MANN. Is it the same man that has been holding the office all the time?

Mr. JOHNSON of South Carolina. I think it is the same man—Col. C. W. Coombs.

Mr. MANN. I think it ought to read, "For department messenger," instead of having an assistant. That would not change the man, because the House reserves the right to make a change in the law itself.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Law Library: Librarian, \$3,000; assistants—2 at \$1,400 each, 1 \$960, 1 \$540, 1 (evening service) \$1,500; junior messenger, \$420; in all, \$9,220.

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Page 24, line 12, at the end of the line, add the following: "To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use, pursuant to the law approved June 30, 1906, \$25,000."

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against that amendment.

Mr. TOWNER. Mr. Chairman, the purpose of my amendment is to continue the organization and work of the Legislative Reference Bureau in the Library of Congress. It will be an unpleasant surprise to Members of the House that the work of this bureau, so well begun, shall be so soon abandoned unless my amendment is adopted. My amendment merely reenacts the provision of last year and continues the work of the bureau. Why provision for the continuance of the bureau was not included in the bill we are unable to determine. There is no reason stated in the hearings and no indication given that the bureau was to be discontinued except the absence of the provision for its continuance. Members of the committee, when asked why such action was taken, say that an independent, comprehensive bill is necessary to organize and determine the work of the bureau. But when asked if the work already be-

gun is not fairly satisfactory they admit that it is, and have no criticism to make of either the scope or progress of the work of the bureau.

It may be admitted that the language authorizing the appropriation last year was limited and inadequate. But that may be remedied without an abandonment of the work. As interpreted by the librarian, progress may be made and great benefit result from a continuance of the work under the authorization until further legislation can be secured.

The librarian, in the inauguration of this work, has exercised the utmost care in the selection of men to carry it on. This has necessarily resulted in some delay. But the work has been inaugurated. The force has been secured and is organized. Referring to this in the hearings, Mr. Putnam, the librarian, says:

We have been cautious, Mr. Chairman, in appointing to it for two reasons: First, we wanted to be sure to get the most effective people available; and, secondly, we wished to husband the appropriation, realizing that when Congress should convene the demands might be heavy and that we would have to add summarily to the force. There are now, however, already 15 people upon that roll, and before Congress adjourns, and in some cases since, and have had specific inquiries directed to that service. For instance, we have had calls for the compilation of foreign laws relating to coal lands and the royalties reserved by the State; we have had requests for digests or copies of the laws passed by the Southern States during the Civil War limiting cotton acreage. Incidentally, we were able to reproduce some of those statutes by the use of the photostat. We have had many requests for translations.

Again, Mr. Putnam says:

The demand upon this service will fluctuate and vary at different periods of the year. There will be always, however, during the intervals or during the recesses, work that will go on currently. For instance, the indexing of the Statutes at Large, which we are resuming work upon. We are bringing down the indexes to the general laws from 1907, where we left it, and we are beginning the work on the local and private acts, of which there are 18,000 pages to be treated. We are gathering together information of all the indexes, digests, and compilations that may be in process in the offices of bureaus and commissions. We are getting together systematic lists of sources that may be useful. There will be current work throughout the year in the preparation of information and material in anticipation of a demand for it. We have taken up, for instance, the preparation of material that relates to bills that have already passed one House and may come up at this session. We are subdividing among several people the committees of Congress with reference to the subject matter that they may be interested in. For instance, the question as to the control of water power may come up this year, and also the questions of marine subsidies and a budget.

They have commenced work, Mr. Chairman, and have made great progress. They have given special attention to subjects that are now vital and pending in Congress, such as immigration, merchant marine, ship subsidies, and many other subjects. I have before me a number of monographs prepared by the bureau containing much information with regard to the merchant marine and other subjects, which show that very careful attention has been given to the work. Much of this information has been furnished to Members who have asked for it.

At the request of the Committee on Appropriations Mr. Putnam prepared and presented a full statement of the work already accomplished and an outline of the work proposed. It will be of interest to the committee, I am sure:

The staff for this work has barely been organized. The appropriation became available July 1, but apart from one or two translators, stenographers, and research assistants appointed between August 1 and October 1 the appointments were deferred until the past few weeks. This appears from the dates of appointment set against the names in the above list.

No statement, therefore, at this date of "work accomplished" would be significant. The main work thus far has been that of preparation. This has consisted in—

- (1) The organization of a corps of indexers to bring to date the Index to the Statutes at Large, previously completed through 1907, and to undertake the index to private and local acts not before treated.
- (2) The selection and equipment of a room at the Capitol available for this corps of indexers and also conveniently accessible to Members of Congress desiring the aid of the division in any relation.
- (3) The preparation for each foreign country of lists of its official publications which embody its statute law (example herewith, France, Exhibit B); completion of sets.
- (4) The collection of whatever indexes, digests, and compilations of law (especially any that may relate to pending legislation) are already in print and available.
- (5) An inquiry as to any such indexes, digests, or compilations in the possession of or in course of preparation in any department or bureau of the Government (and not yet printed).
- (6) Probable subjects of legislation at the coming session: Anticipation of these—
  - (a) By special attention to subjects dealt with by bills that have passed one House and are pending in the other; and
  - (b) By similar preparation of material on subjects that from some other indication are likely to receive attention in Congress.

Examples of (a): Immigration, convict-made goods, railroad securities, etc.

Examples of (b): Merchant-marine subsidies and the budget. Upon these latter two exhibits herewith of compilations actually made.

(7) Assignment to certain members of the staff with special experience of the fields covered in general by committees in Congress—e. g., immigration, labor—with special duty on those officials to keep in touch with the projects before and intended by such committees and, so far as practicable, anticipation of their demands.

As to all of the above, a fuller statement, as invited by the chairman, is appended.



In the meantime some requests already dealt with may be illustrative, e. g.: For compilations or digests—one upon the State control of coal mines in the United States and the system of royalties reserved to the State; the laws passed by the Southern States during the Civil War limiting the acreage in cotton; for translations—the law of Denmark as to agricultural holdings; the law of France as to liquor licenses; a résumé of the Code of Geneva as to juvenile courts; and certain provisions of the constitution of Roumania.

As was emphasized above, however, the staff has just been organized. Its existence and facilities have not yet been called to the attention of Congress, and they did not effectively exist prior to adjournment. There has therefore been no test of the service. A partial test will be offered during the coming session, but owing to its brevity, no more than a partial one.

#### INDEX OF FEDERAL STATUTES.

Resumption of the work of indexing the Federal Statutes from the point reached four years ago when the appropriation for this purpose was discontinued was the most obvious thing to be undertaken under the new provision—indeed, the reference in the appropriation act to the statute which authorized and directed the preparation of such an index implied its continuation.

Previous work: Volume I (Scott and Beaman; published 1908) covered the permanent general law down to 1907, i. e., to the end of the Fifty-ninth Congress. The private and local acts had been indexed in the Revised Statutes and in only a few of the volumes of the Statutes at Large prior to this date. The cards had, however, been kept on file in the expectation that its continuation would ultimately be made possible.

Permanent general law, 1907 to date: Provision has accordingly been made for bringing the index of the permanent general law down to date with a view to preparing either a new edition of Scott and Beaman's index or a supplement to it, whichever may be considered the more desirable when the work is finished. It is estimated that this piece of work can be accomplished by one law indexer and an assistant in about a year.

Temporary consolidated index: For use in the meantime a temporary consolidated index for this period is being made by clipping and mounting in one alphabet the separate indexes of the session laws. If desired, this can be reproduced by photostat for the use of any committee which has need of it.

Private and local laws: The indexing of the private and local acts from the Revised Statutes to date has also been resumed, and the cards for the portion previously done have been checked up and arranged for continuation. An outline of instructions indicating the manner of indexing the various topics of local legislation (e. g., river and harbor improvements, bridges and dams, post roads, Indian tribes, land grants, lighthouses, judicial districts, etc.) has been prepared and tentatively adopted, subject to change as the result of criticism by the various committees and bureaus interested in these subjects, with whom we are conferring in order that the index, when completed, may meet their needs most effectively. As there are about 18,000 pages of local law to be treated, this section of the indexing will occupy between two and three years with the force at present allotted.

Legislative forms, etc.: A new feature has been added in the compilation of a classified collection of legislative forms, standard paragraphs, and clauses actually found in the statutes as they are read for indexing. It is hoped that Members will find this reference material useful in the preparation of bills.

Indexing force: The force already organized consists of chief indexer, in charge of the work (lawyer), general law indexer (lawyer), local law indexer (lawyer), private law indexer and file clerk, two clerical assistants (accurate and rapid typists), two messengers (for subclerical work).

As chief indexer we have the person who was in charge of the actual work of indexing the Federal Statutes four years ago and who has since been engaged in a similar undertaking at Albany for the laws of the State of New York. Two others from the former index force have also been reappointed. With this nucleus of workers familiar with the plan of indexing and its actual application, it has been possible to get the work into smooth running order with minimum delay.

Office location: The indexing of the Federal Statutes is being carried on in the new room in the Capitol assigned for legislative reference purposes and in an office in the law library, so that the results may be conveniently used by Members while the work is in progress.

#### RESEARCH ASSISTANTS AND TRANSLATORS.

For the work of preparing digests and compilations of law a corps of research assistants and translators with auxiliary stenographic and clerical help has been organized.

Cooperation with law and documents divisions: As the law division has the custody of American and foreign statutes, court reports, and other legal literature, and the documents division is responsible for the official publication containing data concerning the actual operation of laws, this section of the work must necessarily be carried on in close cooperation with these divisions. Desk space has accordingly been provided for research assistants and translators in the rooms occupied by these divisions in the main library.

Representatives' reading room: One research assistant, however, has been assigned to a desk in the Representatives' reading room in order that the legislative reference division may be in touch with the service there and make the results of its work directly available for Members using that room. Vertical filing cases of appropriate design and finish to harmonize with the scheme of decoration and furnishing in the congressional reading rooms have been procured and will be used to accommodate legislative reference apparatus (other than books) relating to proposed legislation.

Survey of source materials: A systematic survey of texts of laws and other source material in the collections has been in progress throughout the summer and deficiencies have been reported to the divisions concerned with acquisition.

Index of existing digests and compilations: To facilitate searches and avoid waste of effort a subject index of digests and compilations of law and comparative legislation studies already available in print is being prepared.

Material available in Government bureaus: To avoid duplication and overlapping where the subject matter is within the field of any Government bureau, inquiries are being made to ascertain what indexes, digests, and compilations of law are at present available in manuscript or are in course of preparation in the various Government offices. For example, we find that the Bureau of Labor Statistics has completed compilations of the labor laws of Great Britain, Norway, Sweden, Denmark, Austria, and Germany, which it has not yet had an opportunity to publish, and also has partial compilations for France, Italy, Belgium,

and the Netherlands in manuscript; the Children's Bureau has in press a compilation of child-labor laws; and so on.

Requests from Senators and Representatives: In addition to this preparatory work, which has occupied a considerable part of the time of several members of this force since their appointment, various requests for translation of foreign laws and compilations on special subjects have been received from Senators and Representatives and given immediate attention. The translations requested have included the law of Denmark relating to agricultural holdings and the size of landed estates, the law of France relating to liquor licenses, a résumé of the code establishing a system of juvenile courts in the Canton of Geneva, Switzerland, articles of Roumanian constitution, etc. These requests have not been restricted to translations of foreign law. For example, one of the House committees needed a translation of certain statistical information relating to prices of commodities and ocean freight rates, and various Members have requested assistance in interpreting letters in foreign languages received from constituents relating to relatives in difficulty in the war area in Europe, or other matters. We have considered that a translating force being now available in the Library of Congress, its services might be legitimately used for any translation required by Members or committees of Congress in connection with their work.

Two compilations of laws which were furnished to Members may be noted, namely: (1) State laws in regard to the leasing of coal lands and the amount of royalty reserved by the State; (2) laws passed by the Southern States during the Civil War limiting acreage in cotton. The latter is an example of the use of the photostat as an auxiliary to the work of compilation, the actual texts of the laws being reproduced photographically direct from the volumes containing them.

Program of work: It is our aim to develop this work in such a way that we shall be able to respond to demands from Members and committees of Congress as promptly as possible. In order to accomplish this we plan to prepare material in anticipation of possible demands. Such material may be divided into three groups:

1. Digests and compilations likely to be serviceable in connection with the work of particular committees in general; for example, a digest showing the essential features of the preparation, ratification, and execution of the British budget has recently been completed in rough draft, which is likely to be of interest to the appropriations and revenue committees of both Houses; in fact, in previous years the Library has frequently received requests for information on this very topic. It is intended to utilize in this connection the service of members of the Library staff who are specially equipped to assist particular committees. For example, Dr. Borchard, law librarian, who has made a specialty of international law and has served as assistant solicitor in the Department of State, will give attention to the field covered by the Committees on Foreign Relations in both Houses; Dr. Harris, chief of the division of documents, formerly of the Bureau of Labor, will give attention to the needs of the Committees on Labor and Immigration, etc.

2. Digests and compilations on special subjects which party platforms or party leaders have indicated as matters on which bills will be presented for consideration and action by Congress; for example, President Wilson's letter to Representative UNDERWOOD shortly before the recent election indicated that the development of the merchant marine and conservation of natural resources, particularly water-power control, would be two important subjects on the program of the next session. We are accordingly preparing information as to foreign legislation on (a) merchant marine and (b) water power.

3. Digests and compilations on the subjects of bills on the calendar which have been favorably reported by a committee in either House of Congress or of bills on which hearings have been held indicating that some committee action is likely to be taken on them. This furnishes an indication of a number of subjects on which information will probably be called for by some Member or committee. As only a short session remains of the present Congress, we have given particular attention to the subject matter of bills which have already passed one House and are pending in the other.

General public bills which have passed the House and are now on the Senate calendar favorably reported, with or without amendments:

H. R. 6060, immigration; H. R. 14330, convict-made goods; H. R. 16586, railroad securities; H. R. 10735, bureau of labor safety; H. R. 11086, Federal aid in road making; H. R. 8428, publicity of campaign contributions.

General public bills which have passed the House and are now pending before Senate committees:

H. R. 16136, coal, phosphate, oil, etc., lands; H. R. 16673, water-power development; H. R. 18459, Philippine government.

#### OFFICE OF THE LEGISLATIVE REFERENCE DIVISION IN THE CAPITOL.

The Speaker has assigned to the Library for legislative reference purposes the only room in the Capitol Building at present available, viz., room 74, on the ground floor (west side, near the center of the building). In this room, as previously stated, the indexing of the permanent general laws is being carried on, and the results in card form, together with the printed indexes, will constitute parts of its equipment for the service of Members. We have also assembled here a small office collection of books for ready reference primarily on questions of law which may arise in connection with bills before Congress.

It includes the United States Statutes (annotated and compiled editions); Digest of United States Supreme Court Reports; Words and Phrases; the leading treatises on constitutional law, statutory construction, and subjects within the field of Federal legislation (e. g., interstate commerce, taxation, public officers, etc.); latest editions of special compilations of United States laws issued by the various departments and bureaus, including administrative rules, regulations, and decisions thereunder; Government document catalogues and other useful indexes; latest issues of statistical annuals and general reference manuals.

The last named are included for the purpose of answering inquiries which can be met at once by the facts and figures found in such books. With this collection, supplemented by the index apparatus and a file of bibliographic lists, memoranda, briefs, etc., the lawyer in charge of this office may aid to answer such questions as the following:

- (1) Where can a given law be found in the statutes?
- (2) What is the existing Federal law on a given subject?
- (3) How has a given law been construed by the courts or what rules, regulations, and decisions have been made under it by any executive department?
- (4) What bills have been introduced during the present Congress on a given subject, and what is their status?
- (5) What is the usual form for any bill, clause, or paragraph of common occurrence?
- (6) What interpretation has been given by the Federal courts to words and phrases used in a particular bill?

(7) What existing laws would be affected by the enactment into law of a proposed bill, and what acts of Congress should be specifically mentioned in its repeal clause?

(8) Have recent changes in titles, salaries, powers, and duties, etc., been properly incorporated in a proposed bill and are the references to existing laws correctly given?

(9) Are the administrative features of a given bill conformable with existing departmental machinery?

(10) What constitutional questions are raised by a proposed bill, and what opinions of the Supreme Court have a direct bearing on them?

The purpose of this service at the Capitol will be to aid the Senator or Representative in his efforts to make the law what he desires it to be, not to indicate what the law should be. It will be primarily concerned with the legal side of the law, and not with the economic, social, or political policy involved. Inquiries relating to the latter received in this office will, however, be communicated immediately to the appropriate division of the library service for prompt attention; this attention consisting, as heretofore, in the indication of literature that may bear upon the subject and the actual supply of the books themselves.

(a) Instructions to indexers of the private and local acts.  
(b) Finding list of texts of foreign laws, decrees, decisions, etc. (France).

(c) Digest relating to the British budget (six parts).  
(d) Digest relating to foreign legislation on merchant marine (three parts, others in preparation).

(e) Members of the force employed under the lump-sum appropriation for legislative reference, with statements of their qualifications.

In view of this record of satisfactory accomplishment and the comprehensive program outlined for the future, which has not been adversely criticized by any Member, and which is exactly what the House said a year ago they desired, it is difficult to understand why at this time it is proposed to abandon the entire project. It has not been said, and can not be said, that there is not need for this bureau.

We need it to furnish us exact knowledge of existing conditions to which contemplated legislation is to apply.

We need it to inform us of State legislation on same or analogous matter, and of legislation in foreign countries and the effects of such legislation.

We need it to ascertain whether or not such contemplated legislation has been before the courts, and if so, how interpreted.

We need it to have references made available of discussion by publicists, jurists, and specialists in books, magazines, and reports, both domestic and foreign.

We need it to know the legal definition of words and phrases used in bills introduced, as given by authority and by the decisions of courts; we need it in a thousand ways to aid us in our work.

If it be said that this work is now to be abandoned from motives of economy, there are a score of appropriations in this bill that could better be dropped than this one. It will be a penny wise and pound foolish policy to drop this work. There is no other one thing that in the long run will save more from foolish, unwise, or useless expenditures than the continuance and development of the work of this bureau.

Not only will it prove a wise economy to continue this work, but it is the belief of its friends that its development will be an effective influence for good on the general character and trend of national legislation; that it will discourage hasty and illy considered measures; that it will furnish the advocates of worthy measures effective arguments in their favor; that it will furnish the opponents of dangerous and unwise bills facts and arguments to defeat them. It is the belief of those who favor the continuance and development of this work that really to enlighten the understanding is to make more certain the success of the desirable and meritorious, and the defeat of the unwise and vicious. I sincerely hope the committee will adopt the amendment.

Mr. SLAYDEN. Mr. Chairman, I think it would be a great mistake if the Congress, having once undertaken to provide a reference library and a corps of assistants to supplement the work of Members, to do a lot of the drudgery for them, to facilitate legislation and the quick comprehension of measures before Congress, and to furnish in convenient form data bearing on these questions, should abandon it at this stage of the proceedings.

Mr. Chairman, in justice to the Committee on the Library I feel that I ought to say a few words in explanation of why no legislation along this line was brought into the House from that committee during the present Congress. We have had the question under consideration for a number of years, but there has been a strange fatality in connection with the members of the Committee on the Library. This year, for example, every member of that committee except myself will go out of Congress. Practically the committee has had to be reconstructed entirely each two years, and that has militated against the bringing into the House of such measures, for example, as that proposed by the gentleman from Wisconsin [Mr. NELSON], modified, of course, to meet the views of the committee. I believe that ultimately it will make for economy, and certainly will make for clarity of expression in the writing of the laws.

I have on my desk a number of articles, gathered from time to time from eminent jurists, from distinguished lawyers, and from great public writers, all declaring that the work done in Wisconsin, in California, and elsewhere, as reflected in the statutes, has been of great advantage to the people, and that this advantage is largely due to an efficient reference library corps and bill drafters. It has resulted in less litigation, in clearer and quicker decisions of the courts, and altogether in the interest of economy.

Now, Mr. Chairman, it happened that last year, in an endeavor to save to the Congress and the country the services of a useful Member, I was absent for some time. During that time this measure was taken away from our committee and adopted by the Congress, by what vote I am not advised. I think if I had been here I should have resisted the effort to rob the Committee on the Library of its functions, but now the reference bureau is established, in embryo at least, and I think it would be a great mistake, a great legislative blunder, to abandon it, because I believe that from this beginning we can develop a system which will prove satisfactory to the Congress and ultimately prove of great economy in the transaction of the business of this legislative body. While I think the Committee on the Library ought to have been given time to prepare and bring in a more complete bill, possibly the way in which it was begun will result in some money saving. I quite agree with the remarks of the gentleman from Iowa [Mr. TOWNER] that to abandon it now would be a waste of the appropriation already made and of the energies that have been exerted in the construction of this useful bureau, and that altogether it is an undesirable thing to do, and I hope that the House will permit the maintenance of this bureau until, as I believe will be the case, its usefulness shall be established to the entire satisfaction of the Members of this and of the other House.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. JOHNSON of South Carolina. Yes. I want to make a statement, though, before I do so.

The amendment that has just been offered refers to the law of 1906. That was simply an appropriation that authorized the indexing of the laws, and I have a copy of that work in my hand. It cost the Government \$31,680.

Mr. SLAYDEN. Will the gentleman pardon me?

Mr. JOHNSON of South Carolina. Certainly.

Mr. SLAYDEN. Was there not an amendment offered by the gentleman from Iowa to the paragraph just ahead, the congressional reference library, and not the one below.

Mr. JOHNSON of South Carolina. No; this item was first placed in an appropriation bill and was carried for a number of years in language similar to the language that it is proposed to insert in the bill. This index, as I say, cost \$31,680. It is so highly technical as to be useless. The Congressional Library itself is a reference library for Congress. It is the creature of Congress. In the beginning the books were assembled for the use of Congress. We now have in that library that is costing \$630,000 a year a reference library with a small force costing about \$5,000.

The Committee on Appropriations is not unfriendly to the suggestion embodied in this amendment, but the Committee on Appropriations is not a legislative committee. This question is before the Committee on the Library, presided over by my friend from Texas. We would be delighted if he would take the information he has gathered, bring in a proper bill, with appropriate limitations, to establish this reference library. But to appropriate a lump sum of money, with absolutely no limitation as to how it shall be spent, seems to the committee to be an unwise thing to do.

Mr. SLAYDEN. The gentleman will realize that Congress took it away from the committee and enacted the legislation without consulting us.

Mr. JOHNSON of South Carolina. Now, gentlemen, how is this money to be spent? There is no limitation provided. Any Member of Congress can prefer a request to the Librarian of Congress and ask that several thousand dollars be spent in getting certain information that he may want, and yet no other man in Congress may care anything about it. We are not opposed to appropriating the money if the Committee on the Library will formulate a plan under which it is to be spent. This reference library force ought not to be put in operation except under a resolution passed by the House of Representatives and the Senate.

Mr. TOWNER. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. TOWNER. Pending that, does not the gentleman think it would be wise for us to continue the work that the Librarian



is doing rather than lose the results of the \$25,000 that has already been used? And let me ask him a further question: Would it not be wise for us, in view of what we know he has already done—and I do not think the gentleman will criticize it—to continue it?

Mr. JOHNSON of South Carolina. I will answer the gentleman's first question. If we were to make the lump-sum appropriation, then the Committee on the Library, or Congress, would never legislate. But we have dropped this appropriation, and that will call it sharply to the attention of people who want this kind of legislation, and you will get the legislation in shape. If I were in a conference on this question, and I had a carefully drawn bill by the Committee on the Library—

Mr. FITZGERALD. I hope the gentleman would not agree that it might go into an appropriation bill.

Mr. JOHNSON of South Carolina (continuing). I would be in a position to give it intelligent consideration. This is not a question that comes within our jurisdiction, and I have not studied it.

Mr. TOWNER. I think there is a great deal in the gentleman's point that we should have a more comprehensive form of legislation. But the proposition now is under the appropriation bill of last year and the organization of the work which the gentleman so well knows, and will approve of, because it is directly in line with the comprehensive form of legislation that is so necessary. Would it not be wise to continue this until we can secure the passage of a more comprehensive law? Ought we not to continue it, knowing that the money has not been improperly used?

Mr. JOHNSON of South Carolina. I think the Committee on the Library has had hearings, had bills before it, and that is the proper committee to consider this question and put it in proper shape.

Mr. SLAYDEN. If the gentleman will permit me for an instant, if the gentleman has given much attention to the hearings and to the bills he will realize that in each instance there was a comprehensive proposition and a proportionately expensive one. As chairman of the committee I hesitated to recommend or push legislation which would involve an initial annual expense of from \$100,000 to \$125,000 a year, because I doubted whether such a bill would pass. I believe it ought to be established, and I believe it would be useful and ultimately result in a saving to the people; but the gentleman knows as well as I do that in all human probability, notwithstanding we did not make the finest record for economy ever known—in all human probability no such measure could have been gotten through the House. I was doing my best to hold down all the expenses and refrain from recommending legislation that would involve any considerable appropriation.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. PAGE of North Carolina. Would it not be within the power of the Committee on the Library to draw a bill sufficiently comprehensive and yet not so very expensive as to accomplish the work?

Mr. SLAYDEN. Not a bill that would meet the view of gentlemen who have given the most attention to it. I will say that I shall endeavor to do so. It is a difficult thing to cut down to the limit fixed by Congress when they took control of the matter of appropriating sufficient to create an effective bureau.

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. TOWNER. I did not understand that the gentleman made the point of order. I understood he reserved it.

Mr. JOHNSON of South Carolina. I reserved it in order that my genial friend from Iowa might address the House, and after he addressed the House I made the point of order. Mr. Chairman, the hour has arrived at which by consent of the House we were to recur to the first section of the bill in relation to mileage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioners shall be entitled to receive in lieu of all other allowances for mileage or expenses for attending the sessions of Congress, mileage at the rate of only 5 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment to that paragraph.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order against the paragraph.

Mr. GORDON. Mr. Chairman, I also desire to make the point of order.

The CHAIRMAN. The gentleman from Washington and the gentleman from Ohio make the point of order against the paragraph.

Mr. JOHNSON of South Carolina. Mr. Chairman, in view of the fact that some of the Members here are very much interested in the Library of Congress, I ask unanimous consent that we conclude the items relating to the Library of Congress before we return to this mileage proposition.

Mr. BUTLER. Oh, no; let us dispose of it now.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the items relating to the Library of Congress be disposed of before taking up the items concerning mileage. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I shall have to object to that.

Mr. HAMLIN. Mr. Chairman, will the gentleman reserve his point of order?

Mr. HUMPHREY of Washington. Mr. Chairman, does the gentleman from Missouri desire to discuss the point of order?

Mr. HAMLIN. No; I do not desire to discuss the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I will not reserve the point of order for discussion of the general question of mileage at this time.

The CHAIRMAN. The gentleman from Washington makes the point of order. The Chair will hear the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order against that portion of the bill just read, lines 4 to 10, inclusive, page 2.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to inquire if we can not agree upon some time to debate this amendment?

Mr. HUMPHREY of Washington. Mr. Chairman, we have not yet reached the amendment. We are now discussing the point of order. The point of order I make against the paragraph is that it is new legislation, and it comes from a committee that has no jurisdiction over the subject matter. There can not be any question about the fact that it is new legislation, so the only other point that could be possibly urged making it in order would be that it comes within the terms of the Holman Rule. I think the reading of that rule will satisfy the Chair that it does not come within its provisions, which reads:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

It clearly does not do that—

by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It does not reduce the amount covered by the bill, so the only provision of the rule which it could be contended would cover this would be the words—

By the reduction of the compensation of any person paid out of the Treasury of the United States.

If the Chair will recall, during the discussion of this proposition when it was up before, some of the gentlemen who have always been opposed to the present mileage cited a decision of the Court of Claims, which I do not have, to the effect that it was not compensation, so that if the Chair follows that judicial determination of the Court of Claims there is only one thing to do, and that is to sustain the point of order.

Mr. FITZGERALD. Mr. Chairman, this question has been discussed frequently and has been determined often. The law fixing the compensation of Members provides that the compensation of Members of Congress should be at the rate of \$5,000 per annum, and in addition thereto mileage at the rate of 20 cents per mile going to and returning from each session of Congress, by the nearest route. It has been repeatedly held that the mileage of Members of the two Houses of Congress is a part of their compensation. That being so, the provision is clearly within the rule of the House making legislation of this character in order upon an appropriation bill.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GORDON. Has the gentleman available the language of the statute changing the compensation of Members to \$7,500 per annum?

Mr. FITZGERALD. I have not; but there have been rulings to the effect that the effect of that statute merely increased the \$5,000 to \$7,500, and did not affect the fact that the mileage was additional to and a part of the compensation. I do not think that it is necessary to take up any time with extended

discussion of this question. It has been repeatedly debated and ruled upon, and it has been held that this provision is in order.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GOOD. Would the gentleman contend that it would be in order upon this bill to offer an amendment to repeal section 31 of the act of July 2, 1909, which provides for taking an agricultural census?

Mr. FITZGERALD. I am not sufficiently familiar with the act to answer that question.

Mr. GOOD. The same proposition of law is involved here.

Mr. FITZGERALD. If it would result in decreasing the expenditures in the bill, it would clearly be in order, and, in my opinion, it would be a good thing to do.

Mr. GOOD. Possibly; but I do not believe the Committee on Appropriations would have authority to report that kind of legislation, and yet it would obviate the necessity of making an appropriation of \$2,286,000. Here the proposition is to change existing law, and the bill comes from a committee that does not have jurisdiction of that subject, and because it is followed by a reduction in that particular item, I think, as the gentleman from Washington [Mr. HUMPHREY] has pointed out, it does not come within the provisions of the Holman rule any more than an amendment to amend the law striking out the provision that makes it necessary to take an agricultural census in 1915 would be in order and germane to this appropriation bill.

Mr. FITZGERALD. Mr. Chairman, section 17 of the act approved July 28, 1866, is as follows:

That the compensation of each Senator, Representative, and Delegate in Congress shall be \$5,000 per annum, to be computed from the first day of the present session, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

That is the only provision for the payment of mileage to Members of Congress. Section 4 of the act of February 26, 1907, provides:

That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are Members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories and the Resident Commissioner from Porto Rico, shall be at the rate of \$7,500 per annum each.

It has been held, the question having been raised in the House, that this section of the act of February 26, 1907, providing for the compensation of Members of Congress at the rate of \$7,500 a year, did not repeal that portion of the act of 1866 which provided, in addition, the lump-sum mileage at a fixed rate. If it did repeal that portion of the act of 1866, then there is no authority in law for the payment of mileage to Members of Congress. The House, following repeated rulings, has held that that portion of the act of 1866 was not repealed, and that the compensation of Members of Congress is \$7,500 per annum and, in addition thereto, the mileage at the rate of 20 cents per mile. This provision in the bill provides for a reduction of the rate of mileage to be paid to the Members. It affects the compensation being paid out of the Treasury to officers of the Government of the United States and comes within the provisions of Rule XXI, known as the Holman rule, which was adopted for the express purpose of permitting the House to enact such legislation upon appropriation bills as would enable it to retrench in the expenditures of the Government. The various questions involved have been raised frequently since 1907 and the uniform rulings of the Chair have been, first, that compensation of Members of Congress is at the rate of \$7,500 per annum and, in addition, mileage of 20 cents per mile, and that an amendment or legislative provision purporting to change the law, in so far as it reduces the amount of mileage to be paid Members of Congress, is in order within the rule.

Mr. GORDON. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] has discussed the very point to which my point of order was directed, but I do not agree with his construction of the statute. The last legislative expression fixed the compensation of Members of Congress at \$7,500 a year. Now, the gentleman from New York says it has been uniformly held we are entitled to more than that, but the gentleman did not cite the authorities and I have not seen them. It seems to me the very language of the statute itself fixing the compensation at \$7,500 a year would end it. It repeals all prior legislation upon the subject. I would like to see the authorities where it has been held that it leaves that statute in force. The gentleman did not cite them. He said it has been so held repeatedly, and that is the very point I desired to urge for the consideration of the Chair, that when the Congress fixed the compensation of Members at \$7,500 per annum that it repealed all other statutes upon the subject of compensation and mileage as part compensation of Members. That statute

was repealed by the enactment of the statute of 1907. I think the plain language of the statute he has read to us would warrant that interpretation.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] makes the point of order that this paragraph reducing the mileage of Senators and Representatives to 5 cents per mile is not in order under the Holman rule. The Chair thinks that counting mileage as part of the compensation of Senators and Representatives and a reduction under present law that it is in order and therefore overrules the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment to strike out the paragraph.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to see if we can not agree upon a time for debate. How much time does the gentleman desire?

Mr. GOOD. I would suggest we have 20 minutes on a side.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph, page 2, beginning line 4 and ending line 10.

Mr. FITZGERALD. Mr. Chairman, we are trying to fix a time for debate upon this amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that debate be limited to 20 minutes on a side, 20 minutes to be controlled by the gentleman from Iowa [Mr. Good] and 20 minutes by myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate upon this amendment be fixed at 40 minutes, 20 minutes to be controlled by himself and 20 minutes by the gentleman from Iowa.

Mr. MANN. That is not on this amendment to the paragraph and all amendments thereto?

Mr. JOHNSON of South Carolina. On this amendment to the paragraph and all amendments thereto.

Mr. HAMLIN. Mr. Chairman, reserving the right to object, I rose a while ago to offer an amendment, but the Chair recognized the gentleman from Washington, who raised the point of order. I will not object, provided I am given permission to offer my amendment and have five minutes in which to discuss it, or some such time.

Mr. HUMPHREY of Washington. Why does not the gentleman offer his amendment now?

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Is it not proper that amendments to perfect the paragraph should be offered before a motion to strike out is put?

The CHAIRMAN. Certainly.

Mr. BARTLETT. Then, the gentleman from Missouri has a right to offer his amendment.

Mr. HAMLIN. I understand that perfectly; but if we make an arrangement here for 40 minutes' debate I am to be shut out entirely.

Mr. BARTLETT. The gentleman can protect himself, of course, and I hope he will.

The CHAIRMAN. The gentleman could not be deprived of offering his amendment.

Mr. HAMLIN. And have five minutes in which to discuss it. I understand the gentleman from South Carolina says I can have time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. HAMLIN. Now, Mr. Chairman, I will offer the following amendment, namely, in line 8, page 2, strike out the figure "5" and insert "10."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, in line 8, by striking out "5" and inserting "10."

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I have offered this amendment for the following reasons: During last session of Congress, when this proposition was up, I voted three times to reduce this mileage. While I believe that it was originally fixed as part of the compensation of Members of Congress I also know that it was fixed at a time when the mode of travel was very different from what it is now. We know it was fixed back in 1816, when there were no railroads in the country and when Members attending sessions of Congress were compelled to travel by stage or by water in a very roundabout way and at a very great expense, and I believe that this mileage was intended at that time to cover approximately the expense of Mem-



bers attending Congress. I do not believe it costs Members 20 cents a mile at this time under our present mode of travel to attend sessions of Congress; that is, coming to and returning from a session of Congress. But I do believe that it ought to be intended, if it were not intended at the time, that Members should not only have enough to pay their own individual expenses in coming here and returning from the sessions of Congress, but they ought to have an allowance sufficient to permit them to bring their wives, at least, with them. Now, I do not believe that 5 cents a mile will cover that expense, will pay the railroad fare, the Pullman fare, and the dining-car fare. Therefore I believe that the rate fixed in the bill ought to be more than 5 cents; but I believe that 10 cents a mile for coming to and returning from the sessions of Congress will be sufficient, and I have therefore offered this amendment to strike out the 5 cents a mile and make it 10 cents a mile. I believe that 10 cents a mile will cover the expense of Members with their wives or some other member of their family, or perhaps two members of their family, in coming to and returning from sessions of Congress. That is all I believe Congress ever intended should be allowed as mileage, and I believe it is all we ought to ask in this instance.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact that almost the universal mileage paid in the States to members of the legislature and officials who are required to travel is 10 cents a mile, and in very few cases is it as low as 5 cents a mile, and therefore the amendment of the gentleman would conform to the mileage rate that is allowed to officials who are required to travel in connection with their official duties.

Mr. HAMLIN. I thank the gentleman from South Dakota for making that suggestion, because I think he is entirely correct. I reach this basis, though, not on the idea suggested by the gentleman, but from my own experience and what I honestly believe would be a fair allowance for mileage in covering the expenses of Members in coming to and returning from sessions of Congress. I care nothing especially, so far as I am individually concerned, but I think in adjusting this matter we ought to reach a fair and just conclusion. I am quite convinced in my own mind that 10 cents a mile would be a fair adjustment of this mileage proposition, and I believe it ought to be adopted.

The CHAIRMAN (Mr. CRISP). The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I hope the gentleman from Iowa will use some time now.

Mr. GOOD. May I ask if we are to vote on all these amendments at the end of the discussion or dispose of this amendment now?

The CHAIRMAN. The present occupant of the chair was not in the chair when this matter came up, and he is unable to answer, but if there was no general agreement he would say that general debate should first be consumed.

Mr. GOOD. The parliamentary situation is that the gentleman from Washington [Mr. HUMPHREY] offered an amendment to strike out the paragraph, and the gentleman from Missouri [Mr. HAMLIN] offered an amendment to perfect the paragraph. It seems to me a vote ought to be taken on the amendment of the gentleman from Missouri before there is a discussion.

The CHAIRMAN. Undoubtedly under parliamentary law an amendment to perfect the text will first be voted on before the amendment to strike out, but what the Chair had reference to was that he understood that all votes were to be postponed until the 40 minutes' general debate was consumed.

Mr. GOOD. It is immaterial. I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the motion to strike out the entire paragraph. I do not think there is anything in the argument made by the gentleman from Missouri [Mr. HAMLIN] when he wishes to place it at 10 cents per mile on the theory that it will bring the families of the Members here. Ten cents will not be sufficient to bring the members of families from the Pacific coast. Now, I prefer to strike out the entire proposition. So far as I am individually concerned, I would rather be guilty of grand larceny than petty larceny, and if 20 cents is a graft, 5 cents is a graft. It will not cost 5 cents for any man to go to his home and return if he does not include his family. If he does include his family and he lives on the Pacific coast or in the far South, and there are three or four members in his family, it will not be sufficient. Now, the whole proposition of this mileage is a proposition by those who live near Washington to make a little cheap political capital at the expense of the Members who live far distant. I will at least

not mix hypocrisy with the taking of the mileage. I have never yet stood upon the floor of this House and condemned it as graft, nor have I been one of the first Members at the wicket, after speaking against it, to get my portion of it. Many who oppose the mileage talk one thing upon the floor of the House and another in the cloakroom. Now, you might as well face this fact. You are not deceiving the people of this country. They know the cheap hypocrite that stands up here and wants to make a little political capital at the expense of some of the other Members. The proposition is squarely this: If this mileage is wrong, strike it out; and if you want to punish me because I live on the Pacific coast, have the courage and honesty to do it.

Now, another thing about it, if a man has only his wife, the mileage is sufficient compensation, coming from the Pacific coast, to cover the expense. You take the case of two of my colleagues, Mr. FALCONER and Mr. LA FOLLETTE, and the mileage is not sufficient in either case to pay them to bring their families here. Do you want them to leave their families at home, or do you want to penalize them for having a family?

You either want to penalize the Members of the House who have large families or you want to penalize them because they live far away from the Capital. Which is it? But if we are going to parade before the country our patriotism and our righteousness, then let us strike it all out. If it is a steal to take 20 cents, it is a meaner and more contemptible steal to take 5 cents. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. HAMLIN].

Mr. GOOD. Does the gentleman from South Carolina desire to use any more of his time?

Mr. JOHNSON of South Carolina. No time is asked for on this side.

Mr. GOOD. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. BARTLETT]. I do not see him here just now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. HAMLIN].

Mr. HARDY. Mr. Chairman, is it in order to offer an amendment to the amendment?

The CHAIRMAN. Yes.

Mr. HARDY. I would like to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] offers an amendment to the amendment.

Mr. HARDY. I can reduce it to writing. I would like to amend the amendment by making the provision read so that each Member would be paid the actual expenses paid by him for bringing himself and the dependent members of his family to Washington.

Mr. FITZGERALD. Mr. Chairman, I will ask that the gentleman reduce his amendment to writing, so that we can have it properly before the House.

The CHAIRMAN. Does the gentleman from Texas desire to offer an amendment to the amendment offered by the gentleman from Washington [Mr. HUMPHREY]?

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I take issue with a part of the argument made by Members this morning, wherein the statement is made that mileage is a part of the compensation of Members of Congress; and I take issue with them upon that proposition because the Court of Claims has expressly decided that it is not a part of the compensation of Members of Congress.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. MANN. Did the gentleman just hear the distinguished chairman of the committee in this House decide that it was a part of the compensation, and is not that latest authority or statement of the law?

Mr. COX. That might be a controversy between the distinguished gentleman and the Court of Claims; but the Court of Claims, as I recall reading the decision—and I read it last spring—expressly decided upon the proposition that mileage allowed to Members of Congress was not a part of their compensation; that it was originally designed and intended to reimburse the person for travel. That was not a side issue of the case, but a question squarely in issue, where the Delegate from New Mexico or Arizona—I am not sure which—brought a suit in the Court of Claims for his salary, and the Court of Claims expressly so held.

Now, I agree that you will never get this mileage made exactly equal between all Members of this House; but when you

come to actually equalizing the law between man and man, the mortal mind of man has never yet been able to devise that kind of a law, and he will never be able to do it.

As the gentleman from Missouri [Mr. HAMLIN] well said a moment ago, it is perfectly patent and absolutely plain as to what the original intention of the forefathers was when they fixed the rate of mileage at 20 cents a mile in 1789. Those times and those conditions and those modes of travel have long since come and gone.

Now, if the Court of Claims is right in holding that this is not a part of the compensation of Members of Congress, but is intended to reimburse the Members for money that they have actually paid out and expended for travel, the 5 cents a mile, in my judgment, comes nearest to being absolute and equal justice between all the Members of Congress, and I hope that the amendment of the gentleman from Missouri [Mr. HAMLIN] will be voted down. [Applause.]

Mr. GOOD. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for three minutes.

Mr. BARTLETT. Mr. Chairman, I have voted for the proposition of 5 cents and for the proposition for 10 cents, and I have voted for the proposition that Members be paid the actual traveling expenses of themselves and the members of their families. I have voted for it because it was a matter of indifference to me. But I am tired of this opera bouffe performance every time we reach the question of mileage. [Applause.] Men vote for it and pray that the Senate will not agree with their vote; and the Senate does not, and the Senate strikes it out. [Applause.]

Now, my vote upon this proposition does not affect me one way or the other. I believe that if I take the mileage allowed by law, fixed for over a hundred years, as a part of the compensation allowed by law for my services here, I am not guilty of "graft" or any other immoral or wrong thing, and I never was afraid to say so or to vote so. The people do not care what we do with reference to paying or accepting pay for ourselves as the law allows. The people can well measure up the men, if there be such, who, in order to gain a little cheap notoriety or to escape probable criticism from the press, vote differently from what they think with respect to things that concern themselves; the men who make profit of their great professions of economy by beginning with themselves and attempting to take something from themselves do so when they know that the attempt will be futile. [Applause.]

So far as I am concerned, I am going to vote for the proposition of the gentleman from Missouri [Mr. HAMLIN], because I think that would be sufficient. But I do not vote for it because I believe that any man who does not vote as I do, or who votes to keep it as it is, is guilty of petty "graft" or anything of the sort, and the people do not think so. The people are not caring what we do with reference to being paid for our services as the law provides for it. What the people want us to do is to pass laws that will best administer this Government for them, and the men who think that by this cheap demagoguery they can get something will, in my judgment, be disappointed. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HARDY. Mr. Chairman, I am ready now to offer an amendment, as a substitute for the amendment and for the paragraph, the following:

That in lieu of all mileage each Senator, Representative, Delegate, or Resident Commissioner shall be allowed his actual traveling expenses for himself and the dependent members of his family in coming from and returning to his home at each session of Congress.

Mr. MANN. Mr. Chairman, this is not an amendment to the amendment.

Mr. BARTLETT. It is a substitute.

Mr. MANN. It is a substitute for the paragraph.

The CHAIRMAN. It is a substitute for the paragraph.

Mr. MANN. So that the vote on the Hamlin amendment would come before the vote on this substitute.

The CHAIRMAN. The gentleman is correct.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to say that, as I understand and remember it, the substitute which I have offered is precisely the provision which was tendered by the committee at a former session of Congress, and if I can get the attention of the House I wish to say just exactly why I offer it and why I believe this substitute ought to be adopted.

In the first place, gentlemen, it is just. The salary of every Member of Congress was intended to be \$7,500 per annum, and

every Member's salary was intended to be equal to that of every other Member.

Mr. MANN. If it will not interfere with the gentleman, will he yield for a moment?

Mr. HARDY. Certainly.

Mr. MANN. You say at the end of each "term" of Congress, I suppose you mean at the end of each "session" of Congress.

Mr. HARDY. Yes. I meant each session.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent to change his amendment in that respect.

Mr. HARDY. I would like to have it changed in that way, and ask that it be done by unanimous consent.

Now, Mr. Chairman, there is no question that a 20-cent mileage rate for a Member who lives in Texas, and who comes here by himself, is a considerable addition to his salary as a Congressman over the salary of a Member who brings his family with him, expending as much as 20 cents a mile, and perhaps more, or one who lives near by and gets no mileage. When I first came to this Congress I had seven in my family—my wife and five children and myself—and I believed that in the interest of my people, as well as of myself, I ought to bring those members of my family with me, and I did so. It cost me just about the full amount of 20 cents to bring them and pay their traveling expenses, very little more or less, and considering the fact that I sometimes took trips that were not included in the mileage and yet were necessary; I think my necessary traveling expenses have been about what I have received. Now I have only five members in my family. Two of the seven members are not with me, do not come with me. Probably one of the present members will not come in the future. Now, I do not believe I ought to be paid for traveling expenses as much now as I was then, and as I ought to have been paid then. Gentlemen, if you want to have the pay of Members of Congress precisely \$7,500 a year, then you should pay them the actual necessary and reasonable traveling expenses for them to come here and to bring with them the members of their families, if the good of the country is better served by a Member being here with his family than it is by his leaving them at home—and I know many Members of Congress who, if they are forced to bear the expense, will be strongly tempted to leave the members of their families at home. I do not believe that ought to be done. I believe this is a great Government. I do not think it is necessary for us to be petty in our expenditures, but I do think it is necessary for us to be just, and I should like every man to be put on an equal footing. It seems to me this is the only way to put them all on an equal footing.

Mr. GOOD. Mr. Chairman, there are some honest differences of opinion between members of the subcommittee that reported this bill on the question of mileage. There is absolutely no difference of opinion on what this legislative bill will contain when it is signed by the President, so far as the mileage provision is concerned. We all know that this is mere boys' play.

Mr. BARNHART. Every year.

Mr. GOOD. It was only a few months ago that for days and weeks the House conferees were engaged with the Senate conferees in attempting to settle this question. Irrespective of what this House does, every Member of the House who knows anything about the subject knows that the Senate will write the provision with regard to mileage; and it ought to, until the day arrives when we are brave enough and honest enough with the country and ourselves to bring before this House a bill from a committee that has thoroughly investigated the subject and thoroughly digested it, fixing the mileage of Members. Why, we all know that when this bill is enacted into law the mileage will be 20 cents a mile, irrespective of what this House does to-day, and it seems to me that it is folly for which the Members of this House ought to be condemned, when session after session they bring up this question in this way, especially at a short session of Congress. Everybody, at least on this side of the House, wants to aid in expediting legislation through Congress in order that there may be no special session. To take up the time of the House with propositions of this kind is, it seems to me, inexcusable. I do not care, therefore, to take any more time of the committee discussing the subject. I yield the remainder of the time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. How much time?

The CHAIRMAN. The gentleman is recognized for nine minutes.

Mr. MANN. Mr. Chairman, I want only a minute. This is a short session of Congress, which will expire at 12 o'clock on March 4, except so far as the clock may be turned back. It is invariably the rule and practice in the short session of Congress to have a large number of conference reports come in at the very end of the session.



It has been stated in the newspapers—and I have heard gentlemen on the other side of the House state—that both the administration of the Government and the administration in the House desired not to have a special session of Congress. I have questioned that statement, and I question it now. The only way a special session of Congress can be avoided is by passing the appropriation bills and having them signed by the President; because if one of the supply bills fails, it will be necessary to have a special session of Congress in order that the Government may continue to run. Yet here is a proposition that was thrashed out last year, when we had time to burn, when we could remain in session as long as we pleased and make such fight as we pleased, so long as we had the backbone to do it, and we yielded then. Now it is interjected again. There can be but one purpose in interjecting propositions like this into appropriation bills at the short session of Congress, and that is in the hope that they may defeat the passage of an appropriation bill in the end, in order to have a special session. I am not sure whether it is being done because the President wants a special session of Congress, or whether it is being done because the President does not want a special session—whether it is to aid him or to embarrass him. It is one or the other; and it comes from the other side of the House. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I have always been reluctant to discuss the question of mileage of Members of Congress. My reluctance comes from the fact that the mileage paid to me under the law amounts to \$92. It is so small a sum that it makes little difference whether I receive it or not, while other Members receive substantial sums, which many of them believe essential. My expenses in coming to and returning from sessions of Congress are relatively all out of proportion to the expense of most Members of Congress, because I have seven children in my family, for six of whom I pay railroad fares, and with myself, wife, and one servant my expenses are proportionately much larger than those of the ordinary Member of Congress.

Of course nobody takes seriously the argument of the gentleman from Illinois [Mr. MANN]. He is just entertaining himself and the House by his suggestion that the proposition to change the mileage is a deliberate attempt, a deep-seated plot on the part of some one to try to embarrass the administration by defeating an appropriation bill and thus forcing an extra session of Congress.

It is a matter of considerable regret that the gentleman from Washington [Mr. HUMPHREY] should become so unduly excited in discussing the matter that he should attribute to those who differ with him the aspersions of his motives and characterization of his action in a manner that could not properly be applied either to gentlemen or to honest men. No one charged anyone who differed as to the provisions in the bill with being grafters or thieves, or desiring to take money to which they were not entitled. The distinguished gentleman should not picture himself in any one of these categories when it is not charged against him.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HUMPHREY of Washington. The gentleman has heard the discussions heretofore, and all the adjectives that he has now mentioned were used against those who were in favor of the present law.

Mr. FITZGERALD. We can not resurrect all the arguments, good and bad and indifferent, either by the gentleman from Washington or other gentlemen in the House, from the dead past every time a question is presented to the House. What is the situation about mileage paid to Members of Congress? We might as well be honest with ourselves. Whatever differences of opinion we may have as to whether 20 cents a mile each way at each session is a proper sum to cover the traveling expenses of Members of Congress, the truth is that a large part of the citizens of this country believe that it is an excessive sum and that it would not be fixed at that sum if it were not for the fact that those who fix the rate are the beneficiaries of the rate. In other words, that while officials of the Government in every other department are compelled to travel upon official business of the Government, the rate fixed to cover the travel of Members of Congress, which they themselves fix, is two and a half times larger than the largest rate fixed for any other official of the Government.

I know that gentlemen differ on this question, but these are the facts that appeal to the public; they do not believe that we are justified in fixing this rate to cover the traveling expenses of Members of Congress.

Mr. BARNHART. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARNHART. Why not fix it at the actual traveling expenses, the same as that of all other officials of the Government, at 10 cents a mile?

Mr. FITZGERALD. But they are not fixed that way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield to the gentleman from New York three minutes more.

Mr. FITZGERALD. I have jotted down my traveling expenses as they would be under the proposition to pay the actual traveling expenses of the Members and of those depending upon him, and I would receive more than \$92 to bring my family to Washington and return once each session under such a law. I do not believe that we should fix the mileage of Members of Congress by what a Member under unusual conditions would get, any more than I believe it is fair to charge that an unmarried man who had no dependent relatives with receiving an undue amount when he receives the fixed rate. What should be done is to fix a fair amount for the average Member of Congress.

There are differences of opinion upon this matter. Some believe 10 cents an adequate sum, some think 5 cents is an adequate sum, and others believe that the Member should receive the traveling expenses of himself and the members of his immediate family. I believe, Mr. Chairman, that the Congress of the United States, as a matter of self-respect, ought to pay some attention to the sentiment of the country and reduce the rate of mileage. During the 16 years I have been in the House the same controversy has taken place in every session. It is not creditable to the dignity of this body. The mere fact that another body has resisted the attempts to reduce the mileage does not, in my opinion, justify Members showing indifference to what the actual facts are, or to the sentiment of the country. We should do whatever is necessary to place the membership of this House upon such a plane that it would reflect the dignity and self-respect which become a body representative of 90,000,000 of free American citizens. For these reasons I shall vote for any proposition which will tend to remove from the minds of a large number of our citizens the conviction that the mileage is excessive and at the same time reduce mileage from an excessive rate.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Is the gentleman aware that a committee of this House has recently reported a bill to give certain officials of the Government, in lieu of actual expenses which they now receive, 20 cents a mile for traveling expenses going and coming?

Mr. FITZGERALD. I was not aware of it, but I venture the prophecy that that bill has no more chance of being enacted into law by Congress than I have of being translated into heaven. If there is any one who believes otherwise, I should like him to rise and say so.

Mr. MANN. It has been reported by a very distinguished committee of this House.

Mr. FITZGERALD. They do not mean it.

Mr. JOHNSON of South Carolina. Mr. Chairman, all Members of the House have decided convictions on this question. We are making an honest effort to reduce the expenses of this Government. We are "cutting every department of the Government to the bone."

It will take better with the country if we show a disposition to practice some economy in our own expenditures. Let us have a vote.

Mr. GOOD. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I wish to say just a word in reply to the statement of the gentleman from New York [Mr. FITZGERALD], if I can have his attention for a moment. The gentleman, by telling about his own family, illustrates the inequalities of this mileage proposition.

Mr. FITZGERALD. But I am not complaining and I am not objecting to the reduction.

Mr. HUMPHREY of Washington. I said the statement of the gentleman illustrates the inequality of which I complain. If the gentleman lived in Seattle instead of in New York and brought his family with him it would cost him \$500 more each session than he would receive in the way of mileage. The proposition is: Is it fair to punish a man or to take from his compensation in proportion to the distance he lives from the Capital?

Mr. FITZGERALD. A man with seven children living on the Pacific coast has not time to come to Congress. [Laughter.]

Mr. HUMPHREY of Washington. Oh, the gentleman is very much mistaken in that. He is not the only man who has seven

children. Two of my colleagues can equal him in that respect, and they bring their families here, too. New York is not the only prolific place in the United States. If we could have a proposition here which we could honestly and economically administer of paying the actual expenses of a Member in bringing his family I would favor it, because this other proposition does bear unequally. Some of us get mileage more than we are entitled to. I get more mileage than I expend, but, on the other hand, my colleagues do not, and we ought in some way, if we could, equalize the matter. In other words, what I am protesting against is that while you take from the gentleman from New York perhaps \$40 you take from one of my colleagues \$500. It costs the gentleman from New York \$20 to bring a member of his family to Washington and return and it costs my colleague \$200 to bring each member of his family to Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMLIN. There was so much confusion that I do not think Members generally understood. Do I understand that the vote has been taken upon my amendment?

The CHAIRMAN. The committee just voted on the amendment of the gentleman from Missouri and rejected it.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the vote be taken over again.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the vote be taken over again on the amendment offered by the gentleman from Missouri. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, I object.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment?

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. GARRETT of Texas and Mr. HUMPHREY of Washington) there were—ayes 50, noes 76.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Texas, Mr. HARDY, and the gentleman from South Carolina, Mr. JOHNSON, to act as tellers.

The committee again divided; and the tellers reported—ayes 78, noes 52.

So the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mileage of Representatives, Delegates, and expenses of Resident Commissioners, \$43,750.

Mr. HARDY. Mr. Chairman, a parliamentary inquiry. It has been suggested to me that another amendment ought to be offered.

Mr. FITZGERALD. No; the gentleman is mistaken.

Mr. HARDY. I withdraw the parliamentary inquiry.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

The Librarian of Congress is authorized to appoint a disbursing clerk, who shall also act as assistant superintendent of the library building and grounds and perform the duties of disbursing clerk under the aforesaid act and the act approved July 19, 1897 (30 Stat. L., p. 136). The disbursing clerk shall give bond in such sum as the Secretary of the Treasury shall determine and shall receive a salary of \$2,500 per annum.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, line 15, after the word "of," strike out "\$2,500" and insert "\$3,000."

Mr. SLAYDEN. Mr. Chairman, as all Members of the House know, the late superintendent, Mr. Green, died a few weeks ago, and the Committee on Appropriations are confronted with the problem of determining how the office which he had occu-

pled should hereafter be filled, and the compensation thereof. I think there is no doubt about the truth of the common impression that Mr. Green received a salary of \$5,000, or \$2,000 more than the salaries given to the division chiefs in the Library, partly because he had been associated with the construction of the building and had rendered long, valuable, and distinguished services. I think the suggestion of the committee of consolidating the control of the Library Building, of merging in the office of Librarian the duties of the superintendent, is a wise one. I think the committee is right in that, and I think it is right to take advantage of the occasion to make a saving; and although I appear to be offering an amendment to increase the appropriation, I invite the attention of the House to the fact that following my suggestion, in cooperation with the suggestions of the committee, there will be an important saving in the administration of the Library Building; but I am seriously afraid, as I know the Librarian is, that in the administration of the Library as proposed we will not find the same degree of satisfactory and efficient work that we have had. It is proposed to appoint an assistant superintendent, with a salary of \$2,500 a year.

I inferred from conversations that I had with members of the committee that it was their impression that the man who was next in rank to Mr. Green during his long term of service as superintendent would be promoted to this place, and that the assistant superintendent, of course, would receive a very much smaller salary. Now, it happens that in the personnel of the Library there is really no one to whom the Librarian could turn to secure a satisfactory and efficient conduct of the affairs of that office. The assistant superintendent is also made the disbursing clerk of the Library. There are about 430 people, as I remember it, in the Library. Their accounts have all to be paid by his check. They must be audited; they must be carefully examined into. There are any number of other accounts also that require personal attention, and the time of one clerk while Mr. Green was superintendent was completely occupied in doing this work.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. SLAYDEN. Yes; but I will have to obtain more time.

Mr. BYRNS of Tennessee. The gentleman suggests that there is no one now connected with the office to perform the duties of disbursing clerk and assistant superintendent. I want to ask the gentleman whether the chief clerk at the present time, who is now drawing a salary of \$2,000, can not perform those duties?

Mr. SLAYDEN. Well, it is not a pleasant thing to make these comparisons, but I will say to the gentleman that there is not, for the chief clerk was promoted to the position two years ago from the position of stenographer, and lacks the necessary technical education and experience. The Librarian is a busy man with large administrative duties and little time to give to the work that was done by the late Mr. Green. The assistant superintendent ought to possess to some degree the peculiar qualifications that Mr. Green had. He ought to be a man professionally trained along the lines of engineering and building, if such a person can be had for the salary provided.

Mr. BYRNS of Tennessee. Well, is it the gentleman's idea that in addition to the disbursing clerk and assistant superintendent we should continue the present chief clerk in the division?

Mr. SLAYDEN. As clerk; I do not believe we ought to have any chief clerk at all in the office of the superintendent.

Mr. BYRNS of Tennessee. Well, is it the gentleman's idea to increase the force of clerks beyond what it is now?

Mr. SLAYDEN. No; but you reduce it very much below that.

Mr. BYRNS of Tennessee. No; we do not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, the present organization of the Library, I will say in reply to the gentleman from Tennessee, consists of a superintendent to be appointed by the President, who also acts as disbursing officer, and who, under the law, has been receiving \$5,000 a year, and one chief clerk in his office at \$2,000 a year. Now, that chief clerk has been the man who has looked after these accounts and attended to that sort of thing, requiring, of course, Mr. Green's signature, which office it is proposed to abolish; and the Librarian himself says that he thinks that there is no occasion for keeping the title of chief clerk, but they do need a clerk. Then one captain of the watch, who receives \$1,400, who, perhaps because of his experience and because of his training, is better suited to be promoted to the



office of assistant superintendent than any other man in his office, but, it seems, is disqualified because of his age. Then there is a chief engineer at a salary of \$1,500 and a chief electrician at \$1,500 and 125 subordinate employees. Now the bill proposes to abolish the superintendent, which is proper. I quite agree to that, and then the chief clerk—

Mr. BYRNS of Tennessee. We make him disbursing clerk.

Mr. SLAYDEN. But you also make him assistant superintendent. Now, his time as disbursing officer in the supervision of accounts, in the making of computations and things of that sort, will be entirely occupied, and for that position a \$2,000 salary is adequate, but a \$2,500 salary is not adequate to obtain the services of the sort of man who should be assistant superintendent and on whom would practically devolve the major portion of the work done by the late Mr. Green.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. SLAYDEN. Yes.

Mr. TOWNER. The language now is as you change it that the disbursing clerk shall receive \$2,500 per annum?

Mr. SLAYDEN. Yes.

Mr. TOWNER. Would you really mean that the disbursing clerk should receive only \$2,000 per annum?

Mr. SLAYDEN. If the gentleman will wait a moment, there are some other amendments to be offered. In this next line you will see under the Library Building, "Disbursing clerk and assistant superintendent." We are going to leave the title of disbursing clerk.

Mr. TOWNER. Let me call the gentleman's attention to this fact. The language in the clause which the gentleman is now seeking to amend is legislative language; it is the language of the law—

Mr. SLAYDEN. Yes.

Mr. TOWNER. As I understand it. The subsequent provision is merely for the appropriation. Now, it seems to me that the gentleman, if he desires to present the matter as it should be, would reduce this salary from \$2,500 to \$2,000 in his amendment and increase the salary of the assistant superintendent to \$3,000.

Mr. SLAYDEN. But the gentleman overlooks the fact that the committee proposing the legislation says it is not at all improper that the assistant superintendent shall also be the disbursing clerk. The assistant superintendent will need and should have a clerk to do this work of auditing, computation, and things of that kind, as has been the case heretofore. Mr. Green was the disbursing officer.

Mr. TOWNER. Is it the gentleman's idea that the \$3,000 will pay the salary of the assistant superintendent and the disbursing clerk also?

Mr. SLAYDEN. They are to be the same person.

Mr. TOWNER. I know they are to be the same person. And you would not have any other officer?

Mr. SLAYDEN. Yes; I think there ought to be a clerk also.

Mr. TOWNER. Let me state the question, if I understand it, and see if I am right, if the gentleman will pardon me. You believe the superintendent as such ought to receive a salary of \$3,000?

Mr. SLAYDEN. The assistant superintendent.

Mr. TOWNER. The assistant superintendent; yes. And you also desire there shall be an officer, who shall be the disbursing clerk, at \$2,000?

Mr. SLAYDEN. No, sir. The assistant superintendent is expressly made the disbursing clerk, but I would also give them a clerk, not the chief clerk, not the disbursing officer, but a clerk at \$2,000 that will do the work of that man.

Mr. TOWNER. Then you propose to follow that up with another amendment?

Mr. SLAYDEN. Two other amendments.

The CHAIRMAN. The time of the gentleman from Texas [Mr. SLAYDEN] has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a few words ought to satisfy the committee. Col. Green was provided for by law as superintendent of the Library of Congress before it was finished at a salary of \$5,000 a year to complete the building. He rendered very notable service in connection with the construction of the Library, and we retained him in his place until the day of his death. It is not now necessary to have a great engineer like Col. Green as superintendent of that building. When it was first constructed it had a lighting plant and a heating plant, and it was part of the duties of the superintendent of the building to have charge of that heating plant and lighting plant. We now have a central power plant, and from that central power plant are supplied the heat and light for the Library of Congress. As superintendent of the building certain duties are no more arduous and responsible than

are the duties of the superintendent of the Senate Office Building and the superintendent of the House Office Building, both of whom receive a salary of \$2,400 a year. As the disbursing officer his duties are not arduous. The disbursing officer in the Navy Department—

Mr. SLAYDEN. Will the gentleman permit me a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. SLAYDEN. There is a person known as the superintendent of the House Office Building, is there?

Mr. JOHNSON of South Carolina. Yes, sir; at a salary of \$2,400 a year—an assistant superintendent.

Mr. SLAYDEN. And he works generally under the direction of Mr. Elliott Woods, does he not?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. SLAYDEN. Who provides plans and gives orders and that sort of thing, and who generally supervises the work and directs it?

Mr. JOHNSON of South Carolina. I suppose the Librarian of Congress will have exactly the same control over his assistants that Supt. Woods has over his assistants.

Mr. SLAYDEN. If the gentleman will permit me, he realizes that in a building which has more cubic feet of area than this building has they are constantly employed in making little repairs and keeping things up. A good deal of those repairs may perhaps be done by contract. A great deal certainly was done by the force of the Library itself under the direction of Col. Green because he was a capable man to see to the execution of repairs. Perhaps you could not get so distinguished an engineer, and no one asks that; but for the salary I propose you could get a young man thoroughly well trained and technical, to some extent, who could do that and who could more than save the difference in the salary by making repairs without resorting to the more expensive system of contract.

Mr. JOHNSON of South Carolina. I was going to state the duties, comparatively speaking, of the disbursing officer. The disbursing officer in the Navy Department has 603 people on his rolls. He disburses \$861,890 and gets a salary of \$2,250. The disbursing officer of the Post Office Department has 1,402 people, disburses \$1,186,695, and receives a salary of \$2,250. The Treasury has a roll of 1,392 persons, and the disbursing officer there disburses \$1,837,608 and receives a salary of \$3,000. The Library of Congress has only 491 persons on its rolls, and the total amount disbursed a year is \$630,205. The committee, comparing the work of this new officer with the work that other men do in the public buildings in the District, thought that they were fair in fixing the salary of \$2,500.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes more. I want to ask him a few questions myself.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from South Carolina have five minutes more. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, by the courtesy of the gentleman from New York [Mr. GOULDEN], I am permitted to ask the chairman another question. Those disbursing officers in these other departments of the Government that you speak of have an abundance of clerical help, have they not?

Mr. JOHNSON of South Carolina. So have we clerical help in the Library.

Mr. SLAYDEN. I have read you a list of the officers in the Library.

Mr. JOHNSON of South Carolina. There are a number of clerks there who were under Col. Green. I do not know what they are doing, but they are there.

Mr. SLAYDEN. This man who was known there as clerk—I do not think they called him chief clerk?

Mr. JOHNSON of South Carolina. Yes; they called him chief clerk, and he received \$2,000.

Mr. SLAYDEN. By the way, let me say, in passing, that there ought not to be another man of that kind, because there is a chief clerk of the Library—Mr. Boyd, I think his name is. But that aside, the Library is open all but two days in the year; it runs on a double shift, and the contention is that this man's time will be occupied almost entirely—we may say, completely—with the clerical duties pertaining to the office. Now, if he were made assistant superintendent, coupling the duties of the two places, and he is given general supervision of the building, and has to go about and watch all the laborers employed there and keep them up to the mark, and has to make little daily repairs without first putting the Government to the expense of letting contracts and going out and getting the work done, he would have his time well occupied. He would be bound to neglect his other duties here. The Librarian is strongly of the

opinion that for a salary of \$3,000 a high-class, thoroughly trained, and fairly technical young man can be secured. The gentlemen of the committee should not forget that we are endeavoring to cooperate with them in this saving, not to the extent that we think will impair efficiency but in order that a material saving in the appropriations for the Library may be made.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GOULDEN. I notice on page 27, line 7, you provide that the Librarian of Congress is authorized to appoint a disbursing clerk who shall also act as assistant superintendent of the Library building and grounds, and then you go down to line 16 and say, under the head of "Library building and grounds," what is a repetition of that, as it seems to me, and you say, "Disbursing clerk and assistant superintendent, \$2,500." How many disbursing clerks and assistant superintendents do you intend to have?

Mr. JOHNSON of South Carolina. Only one. The first paragraph creates the office and the second one appropriates for it.

Mr. GOULDEN. Do you propose to give him two salaries of \$2,500 each?

Mr. JOHNSON of South Carolina. No. The first paragraph fixes the salary and the second appropriates for it.

Mr. GOULDEN. I asked that question because on a casual reading of the bill it looked as if you were providing for two disbursing clerks and two assistant superintendents. With that explanation I am fully satisfied.

Mr. JOHNSON of South Carolina. No. The one, as I say, creates the office and the other appropriates for it.

Mr. GOULDEN. That clears up the situation.

Mr. JOHNSON of South Carolina. I may say that Col. Green for a number of years had been in very feeble health, and this Library is as well provided for in the bill you have before you as it has been in the years that have passed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

Mr. TOWNER. Mr. Chairman, the difficulty in my mind is that the combination of these two offices into one seems to me to be so incongruous that I do not see how it is possible for you to secure the proper kind of a man, especially for \$2,500 a year.

Mr. BYRNS of Tennessee. The gentleman will pardon me. He says it is "incongruous." I will state to the gentleman that the superintendent of the building was also the disbursing officer, so that we are doing nothing more in this than has been the rule heretofore.

Mr. TOWNER. I understand; but I also understand that, as a matter of fact, while that was true, the superintendent performed only the duties of superintendent, and that a man who had a salary as chief clerk did almost exclusively the duty of disbursing officer.

Mr. BYRNS of Tennessee. This disbursing officer and assistant superintendent has the clerical force that he can use.

Mr. TOWNER. That is the proposition at issue. It might be true that if the disbursing officer had a qualified clerk the work might be done. But it occurs to me, Mr. Chairman, that now is the time when we ought to separate these offices. The consolidation of the disbursing clerk and the assistant superintendent of the building is certainly not a happy one, and it can result in no good. It would appear evident that an entire separation of these offices should be made. Under the old system the difficulty was met by the superintendent doing the work of superintendence, and by the chief clerk doing exclusively the work of disbursing officer. Here you combine the offices again, but you do not provide for the disbursing clerk.

It is said that the work will be done by subordinate officers. I do not know whether that is true or not. I presume gentlemen speak advisedly when they say so. But the disbursing officer is rather an important officer. While it is true, as suggested by the chairman of the committee, that it is not necessary that he should be paid a very large salary, yet it certainly seems to me that provision should be made for such an officer, and I judge that it would be unwise to give to an ordinary clerk, receiving a salary of \$800 or \$900 a year, the important duty of disbursing officer, even for the disbursement of \$600,000 a year to about 500 employees.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. SLAYDEN. A division, Mr. Chairman.

The committee divided; and there were—ayes 4, yeas 24.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Library building and grounds: Disbursing clerk and assistant superintendent, \$2,500; clerks—1 \$1,600, 1 \$1,400, 1 \$1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; 16 watchmen, at \$900 each; carpenter, painter, and foreman of laborers, at \$900 each; 14 laborers, at \$540 each; 2 attendants in ladies' room, at \$480 each; 4 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 58 charwomen; chief engineer, \$1,500; assistant engineers—1 \$1,200, 3 at \$900 each; electrician, \$1,500; machinists—1 \$1,000, 1 \$900; 2 wiremen, at \$900 each; plumber, \$900; 3 elevator conductors, and 10 skilled laborers, at \$720 each; in all, \$74,345.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] moves to strike out the last word.

Mr. GOULDEN. Mr. Chairman, I desire to ask the chairman of the committee if he has gone into the matter of the watchmen at \$900 each? You know they are obliged to wear uniforms bought at their own expense, the same as our Capitol police, and the latter receive \$1,050. It seems to me that the same salary should prevail for these uniformed watchmen. I am asking for information of the chairman of the committee to ascertain if he has gone into the matter thoroughly and if he is satisfied that that \$900 is a sufficient compensation for good, respectable men to receive?

Mr. JOHNSON of South Carolina. Mr. Chairman, after a very hard fight during the last session of Congress we increased the salary of watchmen in the Library of Congress from \$60 a month to \$75, and they are happy.

Mr. GOULDEN. Well, if they are satisfied, then I am. My thought is that they, as well as the Capitol police, should receive \$1,200 per annum to enable these men to live and maintain their families decently.

The CHAIRMAN. The Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6686. An act to supplement an act entitled "An act to increase the internal revenue, and for other purposes," approved October 22, 1914; and

S. 6689. An act making appropriation for the arrest and eradication of the foot-and-mouth disease.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Collecting the cotton-futures tax: The unexpended balance on June 30, 1915, of the appropriation of \$50,000 provided by section 19 of the act approved August 18, 1914, entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," is re-appropriated and made available for like purposes during the fiscal year 1916.

Mr. BARTLETT. I should like to inquire of my colleague from South Carolina with reference to this item of the unexpended balance on June 30, 1915, of the appropriation of \$50,000 provided by section 19 of the act approved August 18, 1914, known as the cotton-exchange tax. I want to know what we have spent on it to date, and what for?

Mr. JOHNSON of South Carolina. No part of it has been expended up to this time, Mr. Chairman. We simply reappropriate it in order that it may be made available; but not one dollar of it, I understand, has been expended so far.

Mr. BARTLETT. Does the gentleman know whether it is probable that any of it will ever be expended or not?

Mr. JOHNSON of South Carolina. I can not answer that question.

Mr. BARTLETT. Mr. Chairman, it occurs to me to suggest that we have had a great deal of discussion, some attempted legislation, and finally some legislation with reference to dealing in cotton futures. It was believed by some people, and stated in evidence before the committee which investigated the question, that this country could not get along without a cotton exchange, and as an evidence of that the low price of cotton prevailing from the time that the European war began down to a few weeks ago, when the cotton exchange in New York reopened, was cited in support of that argument. It was said that the price of cotton was low because there was no cotton exchange, and with a great blare of trumpets and some exultation on the part of newspapers the cotton exchange was reopened. The result was that the very first day or two after it was reopened, instead of aiding the price, cotton fell about \$2.50 a bale.



Mr. MANN. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MANN. Fell from what?

Mr. BARTLETT. The price at which cotton opened on the cotton exchange went down about \$2.50 a bale.

Mr. MANN. I heard gentleman after gentleman on the floor of this House, from the South, say that cotton was selling for 6 cents a pound, for 4 cents a pound, for 2 cents a pound, and that people brought it into town and could get no bid on it and carried it back home.

Mr. BARTLETT. And I understand that was absolutely true.

Mr. MANN. That is not true now anywhere.

Mr. BARTLETT. What is not true?

Mr. MANN. That you can not sell cotton in the South.

Mr. BARTLETT. But very little of it is being sold.

Mr. MANN. That may be; but a man who has it and takes it to town can sell it, and he can find out what he can get for it from the price on the cotton exchange.

Mr. BARTLETT. He can get about 6½ cents a pound for it. It costs about 8 cents a pound to raise it.

Mr. MANN. Oh, that is like saying it costs a dollar a bushel to raise corn. I used to raise it at 25 cents a bushel, and made money on it.

Mr. BARTLETT. The gentleman is a very expert farmer.

Mr. MANN. I thought I was going into a better business, but the fellows who have continued to raise corn have gotten rich at it.

Mr. BARTLETT. My proposition is that the cotton exchange does not help the price of cotton.

Mr. MANN. I know; and that is the statement that I am challenging. I think it does help it. When the cotton exchange was closed you could not sell cotton, and now when it is open you can sell it.

Mr. BARTLETT. We are not selling much of it. There is no market for it.

Mr. MANN. You are not very hard up then.

Mr. GARRETT of Texas. I want to suggest to my colleague from Georgia that the day the cotton exchange opened spot cotton was 8 cents a pound in the city of Houston, my home town, and that it went down \$2.30 a bale.

Mr. BARTLETT. I said \$2.50 a bale.

Mr. SLAYDEN. I want to say also that the day the cotton exchange closed the price of cotton went down 3 cents a pound. I do not think it is a case of cause and effect in either instance.

Mr. BARTLETT. I do not assert that it is, but I do deny the proposition that because the cotton exchange was opened the price of cotton went up, or that the cotton exchange was any benefit to the farmer in fixing the price of cotton or keeping up the price. Now, this bill which taxes the business of carrying on the cotton exchange was passed some time in the last session. There are two reasons why we are not getting a higher price for cotton. One is because the markets are closed. Another is because we have raised more cotton than we have raised before in quite a number of years.

Mr. Sisson. Ever in the world.

Mr. GARNER. Ever in the history of the country.

Mr. BARTLETT. Almost as large as in the history of the country. The gentleman from Illinois refers to the fact, as stated on the floor of the House, that cotton could not be sold. The gentleman will acquit me of making any such assertion when that matter was up. As far as I am concerned, I am not engaged in any effort to have the Government buy any cotton from my people, and I was not back of any such proposition. The cotton farmer is not benefited by the cotton exchange, and I do not believe it is necessary to have this large sum of money appropriated for the purpose of enforcing the act known as the cotton-exchange act. And while I make no motion to strike it out, you will find that this \$50,000 will finally be converted back into the Treasury and no use made of it.

Mr. MANN. Mr. Chairman, during the time when we were being regaled daily in this House with the stories of hardship among the cotton producers of the South I bought a bale of cotton and paid 10 cents a pound for it, or \$33 for the bale. I knew at the time that cotton sold in the market at not over 5 cents a pound, and my action was purely a matter of friendship and charity. I still have the bale of cotton, and if it were not for putting it on the market and thereby throwing an extra bale of cotton on the market I would sell it quickly at 7 cents a pound, which I could now get for it, which I could not have gotten at the time I bought it. We were told every day in the House that cotton could not be sold; that we must have the Government buy the cotton; that the States must buy the cotton if the Government did not.

Every day we had a filibuster carried on in the House. The cotton exchanges were closed and the wheat exchanges were open. While cotton could not be sold or find a purchaser, wheat was going up in price. Have we heard anything in the last few days about the necessity of the Government furnishing money to buy cotton? Has anything further been done in reference to the \$125,000,000 or the \$150,000,000 which the bankers were going to raise in order to furnish capital to the South? Since the Cotton Exchange opened all of these things have disappeared in the air. The man who has cotton to-day can sell the cotton. Of course, he can not sell it at 15 cents a pound. No sane man would expect him to sell it at 15 cents a pound under the circumstances. But if the cotton exchanges were not open he could not sell it for 5 cents a pound; not only could not sell it for 5 cents a pound, but every gentleman from the South would be begging and imploring for aid and shedding tears to show how necessary it was for the Government to furnish the money to buy the cotton.

Of course, I do not know which set of gentlemen is stating the facts. I decline to discriminate between those reputable gentlemen, and when one set says that cotton has been reduced in price 3 cents a pound and is now only 7 cents a pound, and the other says that they could not sell it to begin with at 7 or 6 cents a pound, I wonder which one knows the facts. One side is mistaken; that is the charitable construction of it.

Mr. HEFLIN. Mr. Chairman, cotton is now selling far below the cost of production. The South will not make any such crop as some of the gentlemen here say it will make. There will in all probability be a million bales that will not be gathered. Last year at this time cotton was a precious item, and farmers were bending every energy to gather the last boll, because cotton was then selling at 13 cents per pound. Now, the cotton remaining in the field, a great deal of it, will not be gathered because some of it has been damaged, and the low price obtaining will not justify the farmers in gathering it. Gentlemen from all sections of the country are beginning to realize how the farmer of the South is being oppressed on account of the low price of cotton. If he can not get the cost of production for this product, he is in a woeful fix, and that is the condition of the farmers of the South to-day. He needs relief to-day and he needed relief before we adjourned in October. The amount of money that the bankers sought to raise I understand has been secured and will soon be ready to loan to the farmer. I saw a statement in the Post this morning that \$135,000,000 has been raised, and various committees to look after these loans in the South have gone south to take charge of the work. It is stated that this money will be ready to loan to the farmers by or before the 1st of January, 1915. This, of course, will do some good, but we ought to have had relief in September or October.

A billion-dollar product—and that is what this cotton would be—bought at a reasonable figure, will, if the present price obtains, sell for less than half that amount. Our farmers bought mules for \$250 apiece from the western mule dealers, and many have sold them in my district for \$125 to \$135, and the agents buying them have been shipping them to Europe to be used in the war. The low price of cotton is responsible for this deplorable condition among the cotton farmers of the South. Let me inform gentlemen here that cotton acreage will be greatly reduced. There was more wheat shipped into my town within six weeks in the early fall than has come there before in the last seven years. We are going to be forced to raise grain to compete with other parts of the country. We were content to raise cotton and let our northern and western brethren raise grain.

Mr. Chairman, our people will live through this distressing period somehow. There is a great demand for wheat. Everything in the way of foodstuffs is in great demand in Europe, while all the countries of Europe that use American cotton have not taken our cotton as heretofore, and this has hurt us tremendously. I am glad to state, however, that the Secretary of State has arranged for the shipping of cotton to Germany and Austria. American cotton in Germany to-day is selling for about 18 or 20 cents a pound; but we have not been able to get our cotton there before this time. The price of cotton is 7 cents a pound here, and it costs 10 cents to produce it. Germany and Austria will take about 3,000,000 bales, and this will help the price of cotton here. Grain and foodstuffs of every kind are in great demand, and I repeat that the southern cotton producer is harder hit by the European war than any other section of the country. If this country could aid the producer in holding this cotton until it sold at a fair price it would be doing a great service to thirty-odd millions of patriotic American people.

I want to make a prediction here now, and that is that some of this very cotton crop will sell for 15 cents a pound. It will be in the hands of somebody, but I fear that the most of it will be out of the hands of those who produced it. The man who toiled in the heat of the day, the man who picked it in the cold of winter, will not get the benefit of that good price; but some of the cotton grown in the South in 1914 will sell for 15 cents or more. [Applause.]

Next year the crop will be greatly reduced, probably one-half, and in the next fall the spinners abroad will pay a greater price for it than they have ever paid. There were 146,000,000 spindles in operation in the world in 1914—4,000,000 more than ever were operated before.

Mr. HAMLIN. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. HAMLIN. The gentleman stated that some of this cotton would sell for 15 cents a pound, and said the most of it would be out of the hands of those who grew it. Is it not true that all of the cotton has passed out of the hands of those who grew it?

Mr. HEFLIN. Oh, no; a large portion, a great deal of it, is yet in the hands of the producer.

Mr. HAMLIN. I ask purely as a matter of information, for I heard a gentleman say who had been traveling through the South recently that the planters who grew the cotton had disposed of it.

Mr. HEFLIN. No; a great many of those who produced it have had to sell because they could not hold it. In many instances they were forced to sell. But mark my prediction: Some of this cotton crop will bring 15 cents per pound. [Applause.]

The Clerk read as follows:

Independent Treasury.

Mr. PLATT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 57, line 15, by striking out the words "Independent Treasury."

Mr. FITZGERALD. Mr. Chairman, on that I reserve a point of order.

Mr. MANN. Mr. Chairman, I object to the gentleman's reserving the point of order. No point of order lies against it.

Mr. FITZGERALD. Oh, yes; it would lie if it should make an appropriation for something that was not authorized—by the striking out of these words.

Mr. MANN. But it would not make an appropriation.

Mr. FITZGERALD. I am not objecting to the gentleman talking.

Mr. MANN. Then let the gentleman withdraw his point of order.

Mr. FITZGERALD. Oh, I decline to do that.

Mr. MANN. Then I ask for a ruling.

The CHAIRMAN (Mr. RUSSELL). The gentleman from New York makes the point of order?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The Chair would like to have the gentleman state his point of order.

Mr. FITZGERALD. I just make the point of order. [Laughter.]

The CHAIRMAN. The amendment is to strike out simply the headline "Independent Treasury."

Mr. FITZGERALD. Well, I make the point of order against the motion.

The CHAIRMAN. Has the gentleman any reason to state why the point of order should be sustained?

Mr. FITZGERALD. It is so apparent that I do not want to take up time. [Laughter.]

Mr. MANN. The reason is that the gentleman is the very distinguished chairman of a very distinguished committee, and he thinks the House has not any right to dot the "i's" or cross the "t's" after the bill has been reported.

Mr. FITZGERALD. But the gentleman from Illinois orders me to withdraw my point of order. I decline to do so, and I still make it.

Mr. MANN. Far be it from me to be put in the attitude of ordering the gentleman to do anything.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PLATT. Mr. Chairman, I want to say that my object in moving to strike out these two words is to call attention to the fact that the appropriations for subtreasuries, three pages and a half of them, are still carried in this bill, although we were informed when the Federal reserve act was passed that when the Federal reserve system got into working operation the subtreasuries would be abolished, and the money taken in by the

collectors of customs and the collectors of internal revenue would be deposited in the Federal reserve banks where it ought to go. Here is a chance to save at one fell swoop about half a million dollars in salaries—\$478,820—paid for utterly useless offices that are now continued which we were told would be abolished when the Federal reserve system was put into operation. The offices ought to be abolished. There are nine of these subtreasuries located in Boston, Baltimore, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco. I suppose the Representatives from those various cities are opposed to the abolishment of these offices.

Mr. TOWNSEND. Why?

Mr. PLATT. Because there are \$479,000 worth of jobs there. That is the only reason I can see for keeping these offices still in commission.

Mr. GOOD. Mr. Chairman, I think it is to be regretted that while we continue to create new offices, new boards, and commissions we never abolish any of the old offices nor dispense with the salaries. As has been pointed out here, about half a million dollars in salaries is contained in this bill for persons to do work that it was intended the reserve banks should perform. The chairman of the subcommittee is to be commended for attempting at least to bring about the abolishment of these useless offices, and the answer of the Treasury officials to the question of the gentleman from South Carolina [Mr. JOHNSON] respecting what steps had been taken to abolish these offices is very illuminating. Mr. Malburn says:

No steps have been taken as yet, but the future policy of the Treasury Department toward the subtreasuries and the Federal reserve banks has been under consideration for some time. At the Secretary's request I have prepared for him a suggested plan of depositing the funds which are now in the Treasury and the subtreasuries, and which the Federal reserve act provides that the Secretary of the Treasury may, in his discretion, deposit with the Federal reserve banks, with these banks. It contemplates the deposit of a considerable part of the free money in the Treasury with the reserve banks, retaining, however, a sort of emergency fund of, say, \$25,000,000 in gold, which would be held in the Treasury in order to prevent an entire cessation of its activities in case the whole financial condition of the country should go to smash, and so that we would still have that much money in gold.

When the Federal reserve banking bill was before the House it was pointed out on this side of the House that the system was capable of too great inflation, and the ultimate results might be that it would go to the wall. Now, here comes a great official of the Treasury Department, and by his testimony says that we must always keep at least \$25,000,000 in gold in the Treasury, because if it was deposited in the reserve banks they might go to smash, and therefore it would be better to retain this organization. Obviously this organization ought not to be continued. We are making appropriations for the fiscal year ending June 30, 1916, and it seems to me that long before that time will have been reached the subtreasuries should be abolished, and the work that is being performed by the independent treasuries of the United States should be performed by the Federal reserve banks of the country, as was in contemplation at the time that law was passed.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. FITZGERALD. Does the gentleman from Iowa believe that the Committee on Appropriations should report a provision on a bill which repeals a law establishing an Independent Treasury system?

Mr. GOOD. In view of the fact that we have already passed a law creating Federal reserve banks that are to do the work of the independent treasuries, I do not believe the Committee on Appropriations ought to report out a bill carrying a half million dollars in salaries for the work that is to be performed by the Federal reserve banks.

Mr. FITZGERALD. But that is not the question I asked the gentleman. I am repeating a question that he asked me earlier in the day, and that is, does the gentleman believe that the Committee on Appropriations should report a legislative provision in an appropriation bill which repeals the law which created the Independent Treasury system, and in that way eliminate the appropriations contained in the bill?

Mr. GOOD. In the first place, that is not the question at all which I propounded to the gentleman from New York.

Mr. FITZGERALD. The gentleman asked me if I thought the Committee on Appropriations should report a provision in the bill repealing an act requiring an agricultural census to be taken every five years, and thereby save an appropriation of over \$2,000,000. The question I asked the gentleman from Iowa is exactly the same, except it substitutes the act creating the Independent Treasury system for the act creating an agricultural census to be taken every five years.



Mr. GOOD. Oh—

Mr. FITZGERALD. And I desired to ascertain if what is sauce for the goose is sauce for the gander, and whether one rule should apply when I speak on a matter and another rule should apply when the gentleman from Iowa speaks.

Mr. GOOD. Then the gentleman from New York must agree with me that the Committee on Appropriations, in this case, ought to have refused to report out this appropriation of half a million dollars.

Mr. FITZGERALD. I think not. The gentleman from Iowa will recall that not until this session did the committee wait to inquire into this matter, but at the last session of Congress, about a year ago, the committee took up the question as to the necessity of continuing the Independent Treasury system and subtreasuries. It was then stated by officials of the Treasury Department that it had been impossible to determine the effect upon the Independent Treasury system of the operation of the Federal reserve act. I understand that no one lives who can tell just what effect the Federal reserve act will have upon the subtreasuries or the Independent Treasury system until it is in working order and those connected with it have an opportunity to determine what is to be done. I think it would be great foolishness to abolish the Independent Treasury system without making ample provision for the continuance of its functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The gentleman from Iowa must agree that until it is possible to say definitely whether there is necessity to continue the subtreasuries or whether it is necessary to modify the law in some way, so as to fit in the independent treasury system with the new financial system resulting from the Federal reserve act, it would not be the part of wisdom to refuse to appropriate for the compensation of officials necessary to continue the fiscal operations of the Government so far as they are controlled by the Independent Treasury system. I have not hesitated to advocate the abolition of offices. I helped to abolish the Court of Commerce, to abolish certain officials in connection with the mints and assay offices—

A MEMBER. And the Tariff Commission.

Mr. FITZGERALD. And to reorganize the customs service, to abolish pension agencies, and I could enumerate a long list of other officials who were abolished by a Democratic Congress which Republican Congresses for 16 years failed to abolish.

Mr. Sisson. Will the gentleman yield?

Mr. GOOD. Not just now.

Mr. Sisson. I want to ask the gentleman one question.

Mr. GOOD. But I desire to answer the gentleman from New York first. I did not intend to say anything in criticism of the Committee on Appropriations in reporting out this provision. Possibly nothing else could be done in view of the estimates and in view of the urgent request of Treasury officials, as was shown by the hearings. What I did intend to do was to criticize a department of the Government having this matter in charge for not terminating these independent treasuries, so that it would be unnecessary to make appropriations for them for 1916.

Mr. Sisson. Will the gentleman yield right there?

Mr. GOOD. Not just yet. I certainly would not want to criticize the committee for reporting out a provision, in view of the fact that on page 59 there is an item of \$171,660 for continuing the office in New York. Now, I assume, of course, my friend from New York has considerable patronage there—

Mr. FITZGERALD. No; I should be glad to see it abolished, because there is not a Democratic holding office in it.

Mr. GOULDEN. Amen.

Mr. GOOD. Let us abolish all of them, then.

Mr. FITZGERALD. I favor retaining the office. So far as the personnel of the office is concerned—

Mr. MANN. They were supporters of Wilson, but not Democrats.

Mr. FITZGERALD (continuing). Any official who is necessary for the fiscal operations of the Government should be retained. I suppose we will have to continue to do the best we can with Republican officeholders instead of Democrats.

Mr. GOOD. The gentleman realizes they are supporters of the President, but he says they are not Democrats. The gentleman makes a distinction that is not apparent to some of us.

Mr. FITZGERALD. No; I do not. That is another misfortune that these employees are neither Democrats nor supporters of the administration.

Mr. GOOD. What are they?

Mr. FITZGERALD. They are of the same party as the gentleman from Iowa and the gentleman from Illinois—Republicans.

Mr. MANN. Who is the subtreasurer at New York?

Mr. FITZGERALD. There is one, I beg pardon, the assistant treasurer at New York.

Mr. MANN. He is a subtreasurer appointed by the present President?

Mr. FITZGERALD. He is.

Mr. MANN. But all the employees are not Tammanyites.

Mr. FITZGERALD. I do not think he is a member of Tammany Hall, although I do not know. I am not a member myself, yet I am a good Democrat; but the assistant treasurer is an appointee of the President, and he receives \$8,000 of the \$171,000, and I think it is a safe statement to make that 99 per cent of the other employees are Republicans. If I had my way they would not continue in office, and there would be no necessity of abolishing the office to get rid of them.

Mr. MANN. And if these places were filled with Democrats the service would be so inefficient that they would have to abolish the office.

Mr. FITZGERALD. Oh, no; they would be the same kind of Democrats as myself. The gentleman from Illinois has so repeatedly complimented me on my efficiency that it is not necessary to compliment me on those I recommend for office.

Mr. Sisson. I tried to get an opportunity to ask the gentleman from Iowa a question, but he declined to yield. But I would like to ask him now if he recalls a provision in the new Federal reserve act which provides that the independent treasuries will be dispensed with as soon as the Federal Reserve Board is organized and ready to abolish them?

Mr. GOOD. No; I think the provision is not in those words. There is some provision in the Federal reserve act that I recall providing that the work of the Independent Treasury may be transferred to the Federal Reserve Board.

Mr. Sisson. Is it not true that the deposits are to be made in these 12 regional reserve banks, and that as soon as the Secretary of the Treasury ascertains that he can dispense with the independent treasuries under the old system he has the authority to abolish all of these systems now?

Mr. GOOD. I think that is true.

Mr. Sisson. Therefore the Committee on Appropriations, under the testimony as taken here, were not warranted in ruthlessly abolishing these various subtreasuries until the Federal Reserve Board and the Secretary of the Treasury could take care of Government deposits and transact the business of the Government under the new system.

Mr. GOOD. How long is it to take the Government to do that?

Mr. GARNER. Will the gentleman yield?

Mr. Sisson. Yes.

Mr. GARNER. The committee will be authorized, however, after a thorough investigation of this matter at the next session of Congress, in 1916, to determine for themselves whether or not this can be abolished; and if they determine it can be abolished regardless of the opinion of the Treasury Department they can do it.

Mr. Sisson. It can be done. I do not believe there is a Member of Congress, irrespective of what party is in power, who would assume the responsibility of abolishing these adjuncts of the old system, necessary as they were to the proper administration of the old system. I do not believe there is anyone who would take the responsibility of abolishing these subtreasuries until this new financial system was in working order and when they could do it without disturbing the finances of the country.

Mr. PLATT. I think the Federal reserve act provides that the general funds of the United States, the funds arising from the collection of customs and revenues, shall be deposited in the Federal reserve banks, but that the Secretary of the Treasury can also use the national banks. I do not think it gives him definite authority to abolish the subtreasuries.

Mr. Sisson. My recollection is that that bank act provides in so many words the plenary power to the Secretary of the Treasury and Federal Reserve Board to abolish these subtreasuries when they in their discretion see fit and proper.

Mr. PLATT. I think the gentleman is mistaken about that. My colleague [Mr. Wingo] possibly can explain that.

Mr. Sisson. I can not say the extent of that power, because I looked for the act and could not find it. I want to say to the gentleman that, so far as I am concerned, as a member of the Appropriations Committee, when the next bill is before Congress, unless they make a showing as in these hearings, unless they make a strong showing as to the necessity of keeping them,

unless they make a showing that it is absolutely essential, I shall be as strongly in favor of abolishing these propositions, irrespective of the Treasury, as the gentleman, because I think 12 months will give them ample time to take care of these funds.

Mr. WINGO. The gentleman is in error as to the act providing as he said. Section 15 of the act provides:

SEC. 15. The moneys held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national bank notes and the funds provided in this act for the redemption of Federal reserve notes, may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

Mr. Sisson. Now, the gentleman is on that committee, and it is possible that I may have gotten it out of the debates, but during the time this bill was being discussed it was clearly stated that these subtreasuries would be dispensed with.

Mr. PLATT. It was clearly stated, and they ought to be.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. Sisson. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. Sisson. They ought to be dispensed with, but I am unwilling to take the responsibility of doing it at this time in view of the statement made from the office of the Secretary of the Treasury.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. The question of whether or not the Independent Treasury system should be abolished I do not think is a proper one to consider as a provision of an appropriation bill. The Committee on Appropriations could not do other than make the necessary provisions for the carrying on of these subtreasuries during the coming year. It should be borne in mind that the Federal reserve act gives three years time for the shifting of the reserves in the national banks to these regional reserve banks, and it certainly would not be the part of wisdom for the Government to undertake to abolish all these subtreasuries and depositories in 30 days after you put these banks into operation.

I do not think the gentleman from Iowa [Mr. Good] caught the drift of the testimony of Mr. Malburn. I do not think he did him justice, although I think he misinterpreted his testimony unintentionally. There was nothing in his testimony to the effect that he thought these banks would go to smash. He said, "In case the whole financial condition of the country should go to smash." It is nothing unusual for a man connected with the Treasury Department to take into consideration the fact that there might arise such a condition as has arisen two or three times in years past. In the latter part of this testimony I think he states the position of the Treasury Department very correctly, and I think it is the sound position for the Treasury Department to take. This is his statement before the committee:

Mr. MALBURN. No steps have been taken as yet, but the future policy of the Treasury Department toward the subtreasuries and the Federal reserve banks has been under consideration for some time. At the Secretary's request I have prepared for him a suggested plan of depositing the funds which are now in the Treasury and the subtreasuries, and which the Federal reserve act provides that the Secretary of the Treasury may, in his discretion, deposit with the Federal reserve banks, with these banks. It contemplates the deposit of a considerable part of the free money in the Treasury with the reserve banks, retaining, however, a sort of emergency fund of, say, \$25,000,000 in gold, which would be held in the Treasury in order to prevent an entire cessation of its activities in case the whole financial condition of the country should go to smash, and so that we would still have that much money in gold.

The plan which I have outlined and presented to the Secretary also includes the withdrawal of the funds now on deposit with the national banks which have been designated as depositories throughout the country to the extent, possibly of nine-tenths of those banks, and depositing that money in the Federal reserve banks. A number of the national bank depositories in the country will have to be retained as depositories, and Government funds will have to be retained in those banks, for the reason that under the law collecting officers of the Government are required to deposit the moneys which they have actually received and are not permitted to convert them into drafts for the purpose of making remittances to a distant point. Consequently I have suggested or advised that where the deposits of collecting officers exceed a certain sum—of, say, three or four hundred thousand dollars per annum—the depositories shall be maintained in those cities, as otherwise the burden on the collecting officers of remitting to the reserve banks would be considerable in the way of transportation charges. So that it will be necessary to retain those depositories in certain cities for that purpose as well as for the purpose of providing funds to enable those depositories to cash the checks issued by the different disbursing officers of the Government.

Beyond that point of depositing the available Government funds with the reserve banks, no definite plan of dealing with the reserve banks has been worked out that I know of, although the Secretary may have something in his mind. I have felt that it would be necessary to await the opening of these reserve banks and to make an investigation of how they are succeeding and also an investigation of the question of whether they can handle this business after they do open up, without too much expense to themselves, before it would be advisable to work out any very

complete plan of transferring all of the Government's business from the subtreasuries to these banks, if, indeed, it should be deemed desirable to transfer all of that business to those banks at all. It may be, as time passes by, that it will be demonstrated that the subtreasuries can not be done away with entirely.

Mr. JOHNSON. Do you think it well to make appropriations for them for the next fiscal year anyway?

Mr. MALBURN. I do not think that it would be possible for the Federal reserve banks to take over the duties of the subtreasuries to any consequential degree at all, so as to make any difference in their expenses prior to the close of the fiscal year 1916. At any rate, it is now too soon after the opening of the banks for me—or, I believe, for anybody else—to say that the subtreasury business will be reduced at all on account of the opening of the reserve banks before the end of that year.

Now, the question of whether or not the subtreasuries should be abolished should not be determined until the Federal reserve system is thoroughly tested. The Federal reserve banks have just been opened. The Treasury Department would certainly be unwise to undertake to do in 1 month's time with the Government funds what you have given the banks of the country 36 months' time in which to do with their reserves.

Mr. GOOD. It is true that Mr. Malburn states that \$25,000,000 in gold should be held in the Treasury to prevent cessation of its activities in case the whole financial condition of the country should go to smash. Now, if that \$25,000,000 in gold were not kept in the Treasury but were deposited in some place elsewhere, under the law it would have to be with the Federal reserve bank, would it not?

Mr. WINGO. Not necessarily.

Mr. GOOD. Where could it be deposited?

Mr. WINGO. At any of the Government depositories.

Mr. GOOD. It would naturally be deposited in the Federal reserve banks if they were the soundest.

Mr. WINGO. If the Secretary of the Treasury exercised the discretion vested in him under the law, he could put it there.

Mr. GOOD. If he had complete faith in the soundness of the Federal reserve system, why would he want to keep \$25,000,000 in the Federal Treasury instead of depositing it in the Federal reserve banks?

Mr. WINGO. The \$25,000,000 that the gentleman refers to is separate from the trust funds in the Treasury. The only fund that Mr. Malburn referred to was \$25,000,000 in gold taken from the general fund and not from the trust funds. It would naturally appear, although it does not appear in the hearings, that it would be reasonable for the Secretary of the Treasury, under his discretion, to deposit all the Government funds, if he thought fit, in these banks, and to retain the sum of \$25,000,000 in the Treasury. It is thought by those in favor of the Federal reserve banks that there will not be a recurrence of conditions that occurred heretofore under the old system, but it is proper to assume that that would not be absolutely sure, and if the Secretary of the Treasury thought that there would be danger, in spite of these reserve banks, of a financial crash, it might be the part of wisdom to keep \$25,000,000 of the general funds in the Treasury.

Mr. GOOD. Obviously Mr. Malburn had not in mind the 5 per cent required to be deposited in the Treasury—in the trust fund—but he had in mind the money that would naturally be deposited in the Federal reserve banks. A careful reading of that—and I have read it several times—will convince one that he had in mind only the Federal reserve banks when he spoke of "the financial institutions."

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. Mr. Chairman, I think it idle to expect a Democratic Congress to practice economy or to expect a Democratic administration to encourage economy.

The gentleman from Arkansas [Mr. Wingo] just stated that we gave three years to the banks to deposit their reserves in the Federal reserve banks, and said we ought to give as long a time to the Government. Why, the three years given to the banks is because the banks are loaning money. They have credits and debits. The Government has a little money in the subtreasuries, and it does not concern a single person on earth, so far as credits are concerned, whether the money is in the Subtreasury at Chicago or in the Federal reserve bank at Chicago—

Mr. MADDEN. Except that it would get into circulation if it went into the Federal reserve bank at Chicago.

Mr. MANN. Now, what are the facts? The Federal reserve banks were exploited with great expectations of what they were going to do. There is no one here who would know of their existence, for anything that they have done so far; but they did have the chance to do one thing. They had the chance to take the money of the Government, now in the vaults of the subtreasuries, and put it into the Federal reserve banks, acting as the fiscal agents of the Government, and have the Government checks paid by the Federal reserve banks instead of by the



subtreasuries through the clearing house. That could be done with a saving of half a million dollars in salaries, because the expenses of the Federal reserve banks are not paid by the Government, while those of the subtreasuries are. Of course it could not be done in a moment.

Last year I raised this question in the House, but the Federal reserve banks were not then in operation. When the estimates were made the Federal reserve banks were not in operation, and no one was certain when they would be in operation. But now that the Federal reserve banks are in operation, why should we keep up a separate establishment of the Government, at the cost of half a million dollars, in order to retain possession of a few million dollars—and that is all there is to be retained possession of—in the subtreasuries instead of placing it in the Federal reserve banks or putting the gold reserve where it belongs, in the Federal Treasury here.

It is purely a matter of influence on the part of the men who hold the jobs. There is \$31,500 to be disbursed in Baltimore, with a Democratic subtreasurer. There is \$46,570 to be disbursed in Boston, and I presume with a Democratic subtreasurer. There is \$71,420 to be disbursed in Chicago, with a Democratic subtreasurer, and so forth; and each dollar to be expended is a strong argument against abolishing the offices. Each subtreasurer is a strong argument in favor of the appropriation. But the business of the Government could better be handled by the Federal reserve banks, and the interests of the country would be better subserved by having the business handled by the Federal reserve banks.

Why do you, when all the country is wondering whether the Federal reserve banks will make good, want to give them a black eye? Why do you want to show distrust of this creature that you claimed came through the President of the United States? Why are you not willing to show confidence in the Federal reserve banks? Why are you afraid to deposit the money in those banks? Are you afraid the banks can not make good?

Well, I can understand why some gentlemen are not particularly enthusiastic over this pet of the Secretary of the Treasury; but after all, in the interest of economy, you ought not to strike at the Government's interests simply because you do not like Mr. McAdoo. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman, I am just as anxious that all useless governmental activities shall cease as anybody. When we were making up this bill, I asked the Assistant Secretary of the Treasury whether we might discontinue the appropriations for the Independent Treasury. The administration is not unmindful of the possibilities under the Federal reserve law. Assistant Secretary Malburn says that they have that question under consideration. But you must understand that the estimates for the fiscal year 1916 were made up before the Federal reserve banks were in operation, and when the representative of the Secretary of the Treasury came before the committee, he was asked what steps had been taken for the discontinuance of the Independent Treasury. He states in his testimony that the matter had been considered and is being considered, but that neither he nor any other man at this time can say just when we shall be able to transfer all the Government's fiscal business to the Federal reserve banks and abolish the Independent Treasury.

The Federal reserve banks have only been opened 30 days to-day. Now, in order to take care of this very situation I propose to offer an amendment to this bill that will authorize the Secretary of the Treasury at any time before the close of the fiscal year 1916, if it can be done, to discontinue any one or all the independent treasuries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PLATT].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 13, noes 32.

Accordingly the amendment was rejected.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 57, after line 15, insert:

"The Secretary of the Treasury shall determine and report to Congress at its next session what, if any, necessity exists for a continuance of the Independent Treasury or any subtreasury thereof, and if in his judgment the same or any subtreasury can be discontinued before the close of the fiscal year 1916 he is authorized and directed to discontinue them and cover the appropriations therefor into the Treasury."

Mr. WINGO. Mr. Chairman, I want to reserve a point of order on that amendment.

Mr. FITZGERALD. The amendment is in order. It effects a reduction in the bill. It will affect the number of employees and their compensation.

Mr. MANN. I do not see why it is not just as much in order as the mileage proposition was.

Mr. WINGO. I do not think it is in order. It is an original proposition to abolish the Independent Treasury.

Mr. MANN. That is in order.

Mr. FITZGERALD. It would be in order to offer an amendment to abolish the whole Treasury Department.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. WINGO. Yes; I make the point of order, Mr. Chairman.

The CHAIRMAN. On what ground does the gentleman base his point of order?

Mr. WINGO. It is new legislation, which is not in order on an appropriation bill.

Mr. FITZGERALD. Under the provision of Rule XXI, which makes in order legislation on an appropriation bill that reduces the number of officials or their compensation, or reduces the amount carried by the bill, this provision is in order. It may reduce the number of officials. It may reduce their compensation, and may affect the amount carried in the bill. It is in order under all three propositions.

The CHAIRMAN. The Chair will ask the gentleman from New York if this amendment reduces the amount of money appropriated in the bill, or does it reduce the compensation paid to any official?

Mr. FITZGERALD. If it has any effect at all, it will do all of those things. If it does not have any effect, it can not do any of them; but it is legislation which is designed to abolish certain existing offices for which provision is made in the bill. It is just as much in order as the provision abolishing the pension agencies in the pension appropriation bill. That is the manner in which they were abolished.

Mr. WINGO. Mr. Chairman, in addition to that it puts new duties on the Secretary of the Treasury, and it does not reduce this appropriation bill a single dollar. There is a possibility that in the future it may cut down the expenses of the Government, but it does not reduce this appropriation. But it is subject to the further point of order that it is new legislation imposing new duties upon the Secretary of the Treasury and requiring him to investigate and make a report, which will entail expense and place another burden upon the Treasury.

Mr. FITZGERALD. That is a matter of argument.

Mr. WINGO. There is no assurance that under the Federal reserve act, if the Secretary of the Treasury should transfer the general fund to the reserve banks, as he may do under the law, it would reduce the expenses of the Government. If you will remember how the expenses of the Federal Reserve Board are met, you will see that in the end the Federal Government must pay indirectly, it is true, some of the expenses of these Federal reserve banks.

Mr. FITZGERALD. Under the law the Government does not pay any of those expenses.

Mr. WINGO. You will see that in the end it does. I am talking about the ultimate effect. I am not talking about direct appropriations therefor.

Mr. MANN. You are guessing, instead of following the law.

Mr. WINGO. The whole thing is a guess as to what is going to be the effect of it. That is one reason why I oppose further action now. These banks opened 30 days ago, and before the system is fairly started you propose by an amendment hastily drawn and given no consideration by the proper committee to abolish the Treasury of the Government and place all these funds in the banks. The present law was carefully drawn, was fully considered, and it is unwise to make further change without consideration. Let us give the new system a trial first.

Mr. MANN. Mr. Chairman, I do not think the question is free from difficulty at all. The provision of the Holman rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

And so forth.

The rest is not applicable. That is the rule. The question is whether this amendment retrenches expenditures by a reduction in the number of offices. It does not affect the salaries of those offices unless the offices are abolished. Now, plainly the amendment would be in order if it provided that at the end of a year, or in the middle of the next fiscal year, these offices should be abolished, because that would be a reduction in the number of the offices. Now, what the amendment does is to give to

the Secretary of the Treasury the power to abolish these offices, as I understand the amendment, in which case the amount appropriated shall be covered back into the Treasury. I do not recall when such a question came up before, though I would be inclined to think that giving the power to the Secretary of the Treasury to do a thing was no broader than doing it ourselves, and that where we could do it and be in order it would be in order for us, by an amendment, to give the authority to the Secretary of the Treasury to abolish the offices.

The CHAIRMAN. The Chair thinks it is problematical whether this amendment will reduce the number of offices or not in the course of the fiscal year for which the appropriation is made; that it may do it or may not do it, as the Secretary of the Treasury may direct. So the Chair does not think it comes within the Holman rule, and the Chair sustains the point of order.

The Clerk read as follows:

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, \$1,800. For wages of workmen and other employees, \$1,500. For incidental and contingent expenses, \$500.

Mr. HOWELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 64, by striking out lines 18, 19, and 20 and inserting in lieu thereof the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall perform the duties of melter, \$1,800; chief clerk, who shall also perform the duties of cashier, \$1,200; in all, \$3,000. For wages of workmen or other employees, \$2,000. For incidental and contingent expenses, \$1,000."

Mr. HOWELL. Mr. Chairman, the amendment I have offered simply restores the provision for the maintenance of the Salt Lake office found in the existing law. I have consulted the hearings and I fail to find any explanation for discrimination which seems to have been provided for the support of the office. I have consulted the Book of Estimates, and I find that the Secretary of the Treasury has asked for the appropriation that I have enumerated, and has asked for an increase in the number of workmen and other employees of the office. I have confined my amendment simply to the restoration of the provisions of the current law, and I hope that the committee will consent to the adoption of the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, the bill carries one assayer in charge, who shall be chief clerk and cashier, at \$1,800. If the amendment of the gentleman from Utah is adopted, it will result in having two men—one at \$1,800 and one at \$1,200 to supervise the work of one workman, who draws \$1,500.

Mr. HOWELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. HOWELL. Is it not a fact that the Secretary of the Treasury has asked for a sufficient fund, \$2,400, for the employment of workmen needed there in the office?

Mr. BYRNS of Tennessee. It is true that the Secretary of the Treasury did submit an estimate of \$2,400 to provide for one workman at \$1,500 and one at \$900. The work of the office heretofore has been done by one man at \$1,500, and I think that has been the case for two or three years. The committee saw no reason and had no facts before it which would justify it in increasing the force of workmen in the assay office at Salt Lake City.

In addition to that, the gentleman's amendment asks for a thousand dollars for incidental and contingent expenses, whereas there was expended in 1914 only the sum of \$257.30. The committee thought it was giving an ample amount when it allowed \$500. The gentlemen on the other side have talked economy this afternoon, and it seems to me that here is one place where they can show some real economy, and we ask them to join those on this side in voting down the amendment.

Mr. MANN. This happens to be a Republican State, and so you take a crack at it.

Mr. BYRNS of Tennessee. That is a charge by the gentleman from Illinois which is not justified by anything in this bill. If the gentleman will look over this part of the bill relating to the assay offices, he will find that the committee has consistently made reductions in all of the States where the expenditures made heretofore showed that they were justified.

Mr. MANN. The gentleman has given no facts to justify this.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman from Illinois that the committee has taken a crack at this assay office because it is in a Republican State is due to pique at the people of that State for what they did to the Republican Party in the last campaign.

Mr. MANN. Oh, no; we have no pique at the State.

The CHAIRMAN. The Chair will call the attention of the gentleman from Utah to the fact that his amendment ought to provide for striking out lines 21 and 22 also.

Mr. MANN. If the amendment prevails, a motion will be made to strike those out.

Mr. HOWELL. I will ask unanimous consent that the amendment may be modified so as to provide for striking out lines 21 and 22 also.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment of the gentleman from Utah as modified.

The question was taken; and on a division (demanded by Mr. HOWELL) there were 6 yeas and 19 noes.

So the amendment was lost.

The Clerk read as follows:

Hereafter the accounts and vouchers relating to the expenditure of the appropriations for government in the Territories shall be transmitted to the Secretary of the Interior for administrative examination and by him passed to the Auditor for the Interior Department for settlement.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the reason for changing the practice and policy of the Government as provided in this paragraph?

Mr. JOHNSON of South Carolina. I will say that in regard to the items coming in from Alaska and Hawaii there was nobody who had supervision of them and nobody who could come before the Committee on Appropriations and give us any information. All the committee had in the world was the printed requests. We provided in the last legislative bill that the estimates from these outlying territories should come through and be submitted through the Department of the Interior. In order to make the whole thing uniform we have put a provision in this bill that their accounts and vouchers shall pass through the same channel.

Mr. MANN. Will not that result in creating in the Interior Department a department of accounts of Territories?

Mr. JOHNSON of South Carolina. We will hesitate a long time before we give them any additional force for that small duty.

Mr. MANN. I do not know how small it may be; however, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Office of Chief of Ordnance: Chief clerk, \$2,250; chief of division, \$2,000; principal clerk, \$2,000; clerks—5 of class 4, 7 of class 3, 12 of class 2, 26 of class 1, 9 at \$1,000 each, 4 at \$900 each; two messengers; assistant messenger; messengers—1, \$780; 1, \$720; laborer; in all, \$91,610.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. A few moments ago, during my unavoidable absence from the Chamber, an amendment was offered providing for a legislative reference corps and an appropriation of \$25,000 therefor, and I ask that I may discuss that matter for five minutes out of order. The amendment went out on a point of order. I very much regret that this bill does not contain, and will not contain when it passes the House, an appropriation for this purpose. My understanding is that objection was made that we had no legislation on the subject, and that in the absence of legislation an appropriation would not only be out of order but it would be unwise to make an appropriation without legislative direction as to the work and the scope of the activities of the corps which the appropriation would provide for.

The last legislative bill provided an appropriation of \$25,000 for the purpose of organizing a legislative reference corps. A small corps was organized, and they now have offices in the Capitol. I am of opinion that it would be very difficult in advance of experience under a corps of this kind for any committee of the House to determine just what its duties should be or to provide legislation properly limiting its activities. I believe we can only develop that by actual practice, and that is why I regret the appropriation was not made in order that this corps might be continued. I do not believe that we should have a large corps engaged in this legislative reference work, but I do think that we ought to have a small, well-equipped, competent corps, such as has been organized for work of the character contemplated. Just what matters Members of Congress might desire to bring before them, just what matters it might be proper for them to become informed on, we can not well judge until we have had some experience in the matter. I know, as one Member of Congress, that I very frequently need information which such a corps as this could furnish—need it in the discharge of my public duties—and I believe that every Member



frequently finds reason to call for or to seek the services of some one qualified to give information with regard to legislation already enacted, in its relation to legislation proposed, and also information touching and bearing upon the legislation before Congress. I think that it is true that at times in the past this matter of legislative reference bureaus has been overdone, but I believe that we could organize a corps which would be very useful and valuable to Members. I believe we have such a corps already organized, and it would be a most unfortunate thing, I think, if that corps were now disbanded, and I hope that when the bill becomes a law it will contain this item for the legislative reference corps.

The Clerk read as follows:

For miscellaneous expenses, including stationery, furniture, telegraph and telephone service, and necessary printing and binding, \$3,200, which sum, together with the foregoing amounts for salaries and rent, shall be paid from the permanent appropriation for militia under the provisions of section 1661, Revised Statutes, as amended, and no other or further sums shall be expended from said appropriation for or on account of said Division of Militia Affairs during the fiscal year 1916.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 72, line 8, after the word "salaries," strike out the words "and rent."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Of the foregoing amounts appropriated under "Public buildings and grounds," the sum of \$35,275 shall be paid out of the revenues of the District of Columbia.

Mr. MANN. Mr. Chairman, I move to strike out the last word. How is the amount to be paid by the District of Columbia out of these items under the public-buildings provision arrived at?

Mr. JOHNSON of South Carolina. It does not include the clerical force. It does include the watchmen in the parks.

Mr. MANN. What does it include? How do you get at it?

Mr. JOHNSON of South Carolina. It includes all of the people provided for beginning on line 3, page 74.

Mr. MANN. But I see the first item on page 74 is for foremen, gardeners, mechanics, and laborers employed in the public grounds, \$31,200; and then there is an item for watchmen of \$17,640, another item of \$15,960, besides an item in advance of \$16,140. Thirty-five thousand two hundred and seventy-five dollars is much less than these items.

Mr. JOHNSON of South Carolina. That is only half of it.

Mr. MANN. Oh, the Committee on Appropriations in this bill is continuing the half-and-half proposition which the Committee on Appropriations yesterday abolished in the District bill?

Mr. JOHNSON of South Carolina. We are appropriating in accordance with existing law and not in accordance with what may be law.

Mr. MANN. That was not done in the District bill.

Mr. JOHNSON of South Carolina. We did not have that bill.

Mr. MANN. Oh, the Committee on Appropriations supported the proposition.

Mr. JOHNSON of South Carolina. The House did that.

Mr. MANN. But that committee put it through the House.

Mr. JOHNSON of South Carolina. The Committee of the Whole House on the state of the Union changed the District bill after it came from the Committee on Appropriations.

Mr. MANN. With the aid of the majority members of the Committee on Appropriations. Why did they not change it here?

Mr. FITZGERALD. It may be changed before it is finished.

The Clerk read as follows:

Hydrographic Office: Hydrographic engineer, \$3,000; assistants—1 \$2,200, 1 \$2,000; chief clerk, \$1,800; nautical experts—1 \$1,800, 1 \$1,600, 1 \$1,400, 3 at \$1,200 each, 3 at \$1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, \$1,200; copyists—3 at \$900 each, 1 \$840, 2 at \$720 each; compiler, \$1,400; editor of Notice to Mariners, \$1,800; computer, \$1,400; draftsman—4 at \$1,800 each, 4 at \$1,600 each, 4 at \$1,400 each, 4 at \$1,200 each, 10 at \$1,000 each, 1 \$900; 3 apprentice draftsmen, at \$700 each; engravers—chief \$2,000, 2 at \$1,800 each, 3 at \$1,600 each, 1 \$1,400, 6 at \$1,200 each, 2 at \$1,000 each, 1 \$720; apprentice engravers—1 \$800, 1 \$700; plate printers—chief \$1,400, 1 \$1,200, 1 \$1,000, 2 at \$900 each, 1 \$800; apprentice plate printers—1 \$700, 1 \$600; lithographers—chief \$1,800; 2 at \$1,000 each, apprentice \$700; process photographer, \$1,600; lithographic transferer, \$1,400; lithographic pressman, \$1,400; photographic printer, \$1,200; 2 negative cutters, at \$1,000 each; 2 feeders, at \$480 each; electrotypist and chart plate maker, \$1,400; assistant messenger; 4 laborers; helpers—2 at \$720 each, 2 at \$660 each, 1 \$600, 1 \$500, 1 \$480; in all, \$123,600.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1916 and had come to no resolution thereon.

#### EXTENSION OF REMARKS.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Speaker, I would like to ask what about.

Mr. BARNHART. Mr. Speaker, it is an insertion of some letters in the Record relative to the method of sending out petitions of organizations throughout the country and inciting what I consider unnecessary and an unstatesmanlike alarm.

Mr. HUMPHREY of Washington. Mr. Speaker, I am in sympathy with the undertaking.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by incorporating a speech delivered before the National Rivers and Harbors Congress by our colleague, Mr. TEN EYCK, of New York.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 6686. An act to supplement an act entitled "An act to increase the internal revenue, and for other purposes," approved October 22, 1914; to the Committee on Ways and Means; and

S. 6689. An act making appropriation for the arrest and eradication of the foot-and-mouth disease; to the Committee on Agriculture.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

#### OMNIBUS PENSION BILL.

Mr. SHERWOOD. Mr. Speaker, an order has been made for a special session this evening to take up for consideration an omnibus pension bill. In order to avoid calling the Members back I ask unanimous consent that the bill be taken up now.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent to set aside the unanimous-consent agreement by which we are to have a night session to-night. Is there objection to that?

Mr. MANN. Put it altogether and ask to consider the pension bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. And to consider the pension bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19545) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore (Mr. Cox). The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Speaker, this bill has been waiting action for eight months. I gave way on different occasions during the last session and on last Friday. This bill carries an aggregate increase over the present pensions of \$37,980 in the whole bill. The average age of the beneficiaries of the bill is: Soldiers, 75 years; widows, 74 years—and there are 77 widows pensioned in the bill.

The Clerk read as follows:

The name of Frances Dewese, widow of Francis M. Dewese, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

Mr. SHERWOOD. Mr. Speaker, on page 26 I move to strike out the lines 3 to 6, inclusive, the beneficiary, Frances Dewese, being dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 26, by striking out lines 3, 4, 5, and 6.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of George W. Lavery, late of Company C, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. SHERWOOD. Mr. Speaker, on page 26 I move to strike out lines 19 to 22, inclusive, the beneficiary, George W. Lavery, being dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 26, by striking out lines 19, 20, 21, and 22.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 230. Elmer B. Pool.	H. R. 11948. Isaac Montgomery.
H. R. 632. William G. Selvidge.	H. R. 12067. Rachel E. Howard.
H. R. 870. Frederick Strasburg.	H. R. 12197. Franklin Cozine.
H. R. 952. John T. Langley.	H. R. 12207. Milo B. Stewart.
H. R. 1022. William Boyer.	H. R. 12447. Orrin J. Wells.
H. R. 1026. David Jewell.	H. R. 12480. John C. Winterringer.
H. R. 1031. John W. Clark.	H. R. 12560. John M. Wilson.
H. R. 1221. James S. Miller.	H. R. 12567. David Henry.
H. R. 1387. Samuel Dale.	H. R. 13061. Jackson Stansbury.
H. R. 1397. William Clark.	H. R. 13071. Adam C. Brown.
H. R. 1574. William H. Owen.	H. R. 13110. Paul Stang.
H. R. 1596. Mary J. Hatfield.	H. R. 13216. Amos Baccus.
H. R. 2013. Eliza E. Harris.	H. R. 13394. George W. Nance.
H. R. 2029. Thomas E. Nason.	H. R. 13505. John M. Jones.
H. R. 2796. Calaway Roberts.	H. R. 13634. Emily Brine.
H. R. 2845. Jonathan Milbourn.	H. R. 13905. John W. Fisher.
H. R. 3190. Samuel S. Van Wye.	H. R. 14009. John F. Messick.
H. R. 4187. George H. Jackson.	H. R. 14076. Mandavill Bush.
H. R. 4191. Sarah Aggett.	H. R. 14146. Benjamin C. Wood.
H. R. 4466. James A. Cochran.	H. R. 14185. George Roth.
H. R. 4572. Ludlow Walker.	H. R. 14292. Hiram Bucey.
H. R. 4596. Joshua Pryor.	H. R. 14573. Joshua H. Reynolds.
H. R. 4787. Andrew J. Thomasson.	H. R. 14608. Butler Kelley.
H. R. 4818. Benjamin O. Getter.	H. R. 14652. Benjamin R. Cox.
H. R. 4892. Sarah A. Gould.	H. R. 14655. William T. Brown.
H. R. 4953. Thomas D. Bumgarner.	H. R. 14721. David Henderson.
H. R. 6311. Patrick Gallagher.	H. R. 14735. Salome A. Nelson.
H. R. 6511. John W. Scott.	H. R. 14761. John H. Jones.
H. R. 6521. Alonzo Dyke.	H. R. 14860. John H. Perry.
H. R. 6529. Nellie C. Downes.	H. R. 14919. Barnett Cunningham.
H. R. 7106. Wheaton Baker.	H. R. 14958. Sarah A. Carpenter.
H. R. 7195. Isaac Lint.	H. R. 15030. George W. Everman.
H. R. 7392. Elam M. Odell.	H. R. 15053. Joseph A. Potts.
H. R. 7864. John E. Iman.	H. R. 15058. Charles B. Bonnell.
H. R. 7888. John Travis Mathews.	H. R. 15117. John Fildes, Jr.
H. R. 8114. John L. Heffling.	H. R. 15149. Mary A. Agle, now Bennett.
H. R. 8160. Joseph W. Brown.	H. R. 15201. Edmund A. Fahnestock.
H. R. 8257. Mary C. Tingley.	H. R. 15203. Oliver D. Norton, insane; William A. Titcomb, guardian.
H. R. 8459. William Bone.	H. R. 15226. Mollie E. Hayes.
H. R. 8624. Chridly Bridwell.	H. R. 15298. John Lamott.
H. R. 8825. William H. Struble.	H. R. 15364. Francis M. White.
H. R. 9098. Benjamin S. Barnard.	H. R. 15367. Thomas Fitzpatrick.
H. R. 9103. Nathaniel T. Hoover.	H. R. 15409. Martha P. Clingerman.
H. R. 9133. James Scannell.	H. R. 15437. Lydia F. Stewart.
H. R. 9477. Andrew B. Campbell.	H. R. 15478. Mary K. Banks.
H. R. 9747. John R. Rogers.	H. R. 15485. Elijah Sager.
H. R. 10185. Rufus G. Blanchard.	H. R. 15509. William H. Haughwout.
H. R. 10378. Frank Hartwell.	H. R. 15512. James C. Wilkinson.
H. R. 10379. Louisa Eckwall.	H. R. 15520. Moses D. Damron.
H. R. 10430. Grove E. Jarvis.	H. R. 15558. Isabella Hess.
H. R. 10573. Henry B. Miller.	H. R. 15573. Isabella W. Williams.
H. R. 10605. David Lightcap.	H. R. 15594. William S. Mason.
H. R. 10688. Charles Muhlbach.	H. R. 15597. Edgar C. Hamilton.
H. R. 10698. Moses Davison.	H. R. 15615. Mathias J. Hoover.
H. R. 10780. Eliza J. Adams.	H. R. 15639. Sophia Stengel.
H. R. 10900. Cesarine Fraser.	H. R. 15651. Nettie Livingston.
H. R. 10974. George Gans.	H. R. 15672. Samuel M. James.
H. R. 11139. Joseph M. Ashcraft.	
H. R. 11202. Christina E. Higgins.	
H. R. 11493. Malcolm G. Parsons.	

H. R. 15689. Letitia A. Mowers.	H. R. 17315. Francis A. Baldwin.
H. R. 15708. Mary E. Wilkins.	H. R. 17394. Benjamin D. Smith.
H. R. 15711. Albert F. Ward.	H. R. 17426. Annie Smith.
H. R. 15710. Samuel Sparrow.	H. R. 17428. Sophia W. Frahm.
H. R. 15723. Erwin D. Bulen.	H. R. 17454. Henry B. Stone.
H. R. 15756. Linden Batten.	H. R. 17456. Mary E. Wilson.
H. R. 15780. John Morgan.	H. R. 17486. Frederick B. J. Miller.
H. R. 15793. John N. Hall.	H. R. 17487. Eli C. Baker.
H. R. 15818. Smith C. Ferguson.	H. R. 17501. Alfred Fredericks.
H. R. 15823. William B. Dudley.	H. R. 17532. Lynus Wallace.
H. R. 15850. Francis M. Van Tress.	H. R. 17564. Charles W. Childers.
H. R. 15856. Alfred C. Lee.	H. R. 17609. William W. Cook.
H. R. 15858. William Burnell.	H. R. 17616. Charles W. Perkins.
H. R. 15859. George Sharp.	H. R. 17707. George W. Bransford.
H. R. 15868. William H. Sprague.	H. R. 17713. John A. Wanless.
H. R. 15886. Caroline Oaks.	H. R. 17756. George P. Clark.
H. R. 15894. William Ragan.	H. R. 17792. Margaret Lloyd.
H. R. 15919. John M. Starks.	H. R. 17819. John K. Clark.
H. R. 15931. William H. Hampshire.	H. R. 17840. Michael D. Aker.
H. R. 15946. Benjamin N. James.	H. R. 17847. John G. Woolley.
H. R. 15966. Martin P. Bush.	H. R. 17862. Angeline E. Strong.
H. R. 15993. Wilson Rounds.	H. R. 17863. Bidley C. Wolf.
H. R. 15996. Frances Dewese.	H. R. 17868. Joseph Bartlett.
H. R. 16009. William J. Ladd.	H. R. 17881. Harriet I. Dagwell.
H. R. 16034. Lucretia J. Loomis.	H. R. 17915. Edom G. W. Moon.
H. R. 16042. Theodore P. Touville.	H. R. 17945. Amella Heidel.
H. R. 16046. George W. Lavery.	H. R. 17961. Homer A. Bidwell.
H. R. 16086. Jennie Parker.	H. R. 17974. John Ramsey.
H. R. 16100. Martha Rodgers, now Bodine.	H. R. 17980. John M. Duncan.
H. R. 16102. Maryetta Wilson.	H. R. 18013. Alexander R. Olds.
H. R. 16128. Eli Frazier.	H. R. 18021. Henry M. Setzinger.
H. R. 16138. John S. Williams.	H. R. 18023. William H. Cook.
H. R. 16146. Charles L. Van Newkirk.	H. R. 18035. Aaron Markle.
H. R. 16177. Ottoway Bryant.	H. R. 18040. Adison H. Vanderburgh.
H. R. 16186. Nancy C. McCurdy.	H. R. 18048. Martin Stoneking.
H. R. 16189. Mary Sanford.	H. R. 18050. Henry M. Roley.
H. R. 16191. Zalfa W. Chase.	H. R. 18059. James Toulain.
H. R. 16209. Calvin A. Eason.	H. R. 18070. Jacob R. Truckenmiller.
H. R. 16220. Edward K. Hill.	H. R. 18210. Henry S. Merrill.
H. R. 16228. Edward G. Booz.	H. R. 18211. Edward A. Duncan.
H. R. 16263. Thomas Haggard.	H. R. 18233. William Hovey.
H. R. 16271. Nancy Gould.	H. R. 18248. Henry Doh.
H. R. 16276. John T. Hetherlin.	H. R. 18257. John S. Mays.
H. R. 16284. Levi M. Dort.	H. R. 18263. John G. Hibbs.
H. R. 16291. Richard B. Winn.	H. R. 18260. Stephen G. Garlock.
H. R. 16310. Nelson Ransier.	H. R. 18331. William Howell.
H. R. 16336. Charles Black.	H. R. 18341. John C. Short.
H. R. 16361. Lewis S. Goshorn.	H. R. 18344. Erasmus D. Miller.
H. R. 16363. George A. Kogle.	H. R. 18354. James Patrick.
H. R. 16382. Gilbert R. Whitbeck.	H. R. 18362. Katherine Baxter.
H. R. 16384. Samuel Fox.	H. R. 18393. Melissa E. Dickinson.
H. R. 16386. Martha A. Hardin.	H. R. 18407. James Wightton.
H. R. 16394. Martha Hutchings.	H. R. 18414. Robert Farmer.
H. R. 16419. John H. Smith.	H. R. 18448. Preston M. Guild.
H. R. 16434. Levi Walker.	H. R. 18451. Susanna Rankin.
H. R. 16446. Charles Goth.	H. R. 18463. William A. Wallace.
H. R. 16465. Augustus T. Spence.	H. R. 18466. James W. Harnden.
H. R. 16500. John Martin.	H. R. 18467. George H. McIntyre.
H. R. 16538. Lewis H. Pierce.	H. R. 18472. William A. Myers.
H. R. 16563. Emily Elliott.	H. R. 18476. Patrick Hayes.
H. R. 16589. John E. Colvin.	H. R. 18480. Jonathan R. Downing.
H. R. 16610. Ira L. Knell.	H. R. 18508. Jasper M. Stebbins.
H. R. 16611. James M. Riley.	H. R. 18526. Christian Martin.
H. R. 16616. Isalah P. Reynolds.	H. R. 18547. Anna Robbins.
H. R. 16625. Eliza A. Seaburn.	H. R. 18569. William Boston.
H. R. 16652. Nathan C. Calhoun.	H. R. 18571. James F. Kilburn.
H. R. 16661. Martin L. Pemberton.	H. R. 18582. John W. Hudelson.
H. R. 16668. Joseph M. Adair.	H. R. 18585. Adelaide F. Brewer.
H. R. 16671. Birney Dutton.	H. R. 18604. William MacKinnell.
H. R. 16689. Thomas Fox.	H. R. 18614. Archibald F. Bottoms.
H. R. 16700. Nels B. Olson.	H. R. 18621. Allen Sigler.
H. R. 16734. Harrison Bishop.	H. R. 18626. Mary E. Miller.
H. R. 16768. John W. Petley.	H. R. 18634. William W. Jones.
H. R. 16772. Harriet A. Parker.	H. R. 18638. John M. Morgan.
H. R. 16800. George R. Harrison.	H. R. 18646. Jacob F. Frey.
H. R. 16803. Ezra M. Heald.	H. R. 18674. Sarah Foster.
H. R. 16804. Josiah C. Dodds.	H. R. 18700. John N. Berry.
H. R. 16814. Amella Brundage.	H. R. 18753. John K. Collins.
H. R. 16817. John Hill.	H. R. 18758. Charles H. Muncester.
H. R. 16822. Thomas H. Caley.	H. R. 18772. Rudolphus W. Gunter.
H. R. 16866. Marlon MacDonald.	H. R. 18776. David Kinzer.
H. R. 16867. Alfred Foreman.	H. R. 18788. Anna W. Hawk.
H. R. 16873. Hezekiah H. Turner.	H. R. 18805. Harvey M. Wilson.
H. R. 16889. Emma L. Ackley.	H. R. 18815. Isaac Johnson.
H. R. 16895. William A. Badger.	H. R. 18844. Charlotte Reagin.
H. R. 16910. Thomas C. Rodgers.	H. R. 18846. William H. Johnson.
H. R. 16941. Josephine B. Culver.	H. R. 18883. Shadrach Waters.
H. R. 16960. John Gore.	H. R. 18917. Thomas E. Stallard.
H. R. 16970. Porter H. Campbell.	H. R. 18937. John Schultz.
H. R. 16974. Charlotte Easton.	H. R. 18949. Jacob A. Thuma.
H. R. 16979. Elizabeth Walsh.	H. R. 19003. Henry C. Rand.
H. R. 17002. Marshall Cox.	H. R. 19021. Charles S. Elliott.
H. R. 17010. Eliza A. Scull.	H. R. 19029. George Adams.
H. R. 17032. Cyrus Gere.	H. R. 19047. Ella A. Buckley.
H. R. 17038. Luther A. Barnard.	H. R. 19082. Henry H. Smith.
H. R. 17047. Mary Johnson.	H. R. 19089. James T. Darnell.
H. R. 17060. Sophia Fitzpatrick.	H. R. 19093. Henry Engle.
H. R. 17084. Rudolph A. Linsen-hoff.	H. R. 19106. Jonathan Witman.
H. R. 17117. Anna M. Meissner.	H. R. 19145. Londoree F. Owens.
H. R. 17130. Nannie A. Mann.	H. R. 19150. Wilson Labold.
H. R. 17131. Peter Miexsell.	H. R. 19178. William Clock.
H. R. 17136. Georgiana Moran.	H. R. 19212. James Wilson.
H. R. 17178. Albert T. Chapin.	H. R. 19225. Milton Turner.
H. R. 17181. Elijah N. Cronan.	H. R. 19231. Albert A. Derrick.
H. R. 17202. Hermann J. Kiebel.	H. R. 19274. Nicholas McKenzie.
H. R. 17204. Calvin Wheelock.	H. R. 19280. Martin Smith.
H. R. 17227. Alexander Boyd.	H. R. 19295. George S. Brown.
H. R. 17264. Francis E. Dutoit.	H. R. 19302. David E. Stanwood.
H. R. 17275. Katie A. Armstrong.	H. R. 19323. Carthene Rosencrantz.



H. R. 19379. Martha E. Williams.  
H. R. 19406. Pinkney Carter.  
H. R. 4957. Andrew W. Duggan.  
H. R. 15329. Thomas S. Harrell.  
H. R. 15393. Thomas B. Forbs.  
H. R. 15626. Charles Laswell.  
H. R. 18548. Lewis Bockoven.  
H. R. 18967. Henry Schnarr.  
H. R. 19292. Jeremiah W. Pickering.  
H. R. 19455. Marion White.  
H. R. 19536. Ann E. Swift.  
H. R. 19537. Peter Delamotte.  
H. R. 19539. Frederica Pence.

## ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Wednesday, December 16, 1914, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Illustrations to accompany report of a commission appointed to investigate irrigation projects on Indian lands in the three northern districts, transmitted with a letter from the Secretary of the Interior (H. Doc. 1215); to the Committee on Indian Affairs and ordered to be printed as a part of said document.

2. A letter from the Secretary of War, transmitting copy of items from page 336 of the Book of Estimates, 1916, and requesting that the same be withdrawn from the Committee on Military Affairs and referred to the Committee on Claims (H. Doc. No. 1357); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting item of legislation, requesting that it be inserted in the sundry civil appropriation bill under appropriations for the Rock Island Arsenal, Rock Island, Ill. (H. Doc. No. 1358); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Commissioner of Internal Revenue submitting urgent estimates of deficiencies in appropriations for the Internal Revenue Service for the fiscal year ending June 30, 1915 (H. Doc. No. 1359); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication of the Chief of Division of Printing and Stationery of that office submitting an estimate for authority to transfer from the appropriation for "Collecting the income tax" for the fiscal year 1915 the further sum of \$12,000 to the credit of the appropriation for "Contingent expenses, Treasury Department, stationery," for the fiscal year 1915 (H. Doc. No. 1260); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of communication from Postmaster General submitting urgent estimates of deficiencies in appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1915 (H. Doc. No. 1361); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of Agriculture, transmitting a detailed report showing documents received and transmitted by the Division of Publications of the Department of Agriculture during the fiscal year ended June 30, 1914 (H. Doc. No. 1362); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

8. A letter from the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ended June 30, 1914 (H. Doc. No. 1363); to the Committee on Military Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19428) to authorize the Chesapeake & Ohio Northern Railway Co. to construct a bridge across the Ohio River a short distance above the mouth of the Little Scioto River, between Scioto County, Ohio, and Greenup County, Ky., at or near Sciotoville, Ohio, reported the same with amendment, accompanied by a report (No. 1223), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 6687) to authorize the Chesapeake & Ohio Northern Railway Co. to construct a bridge across the Ohio River a short

distance above the mouth of the Little Scioto River, between Scioto County, Ohio, and Greenup County, Ky., at or near Sciotoville, Ohio, reported the same without amendment, accompanied by a report (No. 1225), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, reported the same without amendment, accompanied by a report (No. 1224), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15633) granting a pension to Axel O. Carlson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19525) granting a pension to Annie F. Baurer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19658) granting an increase of pension to Leon Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18487) granting a pension to Marie Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 19974) to provide for the purchase of ground and erection of a public building thereon for an immigration station in or adjacent to the city of Tacoma, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 19975) authorizing the construction of a bridge across Little Red River near Snell, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAGSDALE: A bill (H. R. 19976) to amend an act entitled "An act relating to the liability of common carriers by railroads to their employees in certain cases," approved April 22, 1908, and amended by an act approved April 5, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTAGUE: A bill (H. R. 19977) for the erection of a public building at West Point, Commonwealth of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of North Dakota: A bill (H. R. 19978) to provide for the construction of an additional building at the Indian School, Bismarck, N. Dak., and making an appropriation therefor; to the Committee on Indian Affairs.

By Mr. VARE: A bill (H. R. 19979) appropriating \$500,000 for the erection and equipment of a shell and projectile factory for the Navy Department at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. GOULDEN: Concurrent resolution (H. Con. Res. 56) authorizing the printing of the Journal of the National Encampment of the Grand Army of the Republic; to the Committee on Printing.

By Mr. MORRISON: Joint resolution (H. J. Res. 386) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LAFFERTY: Resolution (H. Res. 675) requesting the Committee on Banking and Currency to report to the House of Representatives the specific reasons necessitating delay in the reporting of a bill providing for rural credits; to the Committee on Rules.

By Mr. MOON: Resolution (H. Res. 676) authorizing the consideration of certain new legislation in H. R. 19906, a bill making appropriations for the support of the Post Office Department for the fiscal year 1916; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19980) granting a pension to Martha Derry; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 19981) for the relief of the Iberia Building Association, of New Iberia, La.; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 19982) for the relief of the estate of John A. Gilbert; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 19983) granting an increase of pension to William A. Walker; to the Committee on Invalid Pensions.

By Mr. CARR: A bill (H. R. 19984) granting an increase of pension to Eliza C. Miller; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 19985) granting an increase of pension to Samuel W. Barr; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 19986) granting an increase of pension to Luther Detwiler; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19987) granting an increase of pension to Henry H. Klock; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 19988) granting an increase of pension to John Baker; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 19989) granting an increase of pension to Henry L. Cushing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19990) granting an increase of pension to Catherine A. O'Donnell; to the Committee on Invalid Pensions. Also, a bill (H. R. 19991) to remove the charge of desertion against Asa Bean; to the Committee on Military Affairs.

By Mr. GOEKE: A bill (H. R. 19992) granting an increase of pension to Margaret A. Hageman; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19993) granting an increase of pension to Henry H. Saylor; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 19994) granting a pension to Frank Smidt; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19995) granting a pension to Mamie Bashaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19996) granting a pension to John O. Lind; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 19997) for the relief of the Western Loan & Building Co.; to the Committee on Claims.

By Mr. KENT: A bill (H. R. 19998) for the relief of Rudolph Ponevace; to the Committee on Claims.

Also, a bill (H. R. 19999) authorizing the reinstatement of Maj. Edward Rutledge Lowndes to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. J. R. KNOWLAND: A bill (H. R. 20000) to place Bvt. Brig. Gen. James Clark Strong upon the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. MCKENZIE: A bill (H. R. 20001) granting an increase of pension to Mary A. Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20002) granting an increase of pension to Clara F. Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20003) granting an increase of pension to Laura R. Parmely; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 20004) granting an increase of pension to James Glover; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 20005) granting a pension to Jerusha Battin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20006) granting an increase of pension to John P. Overton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20007) granting an increase of pension to Sarah A. Bryan; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 20008) granting an increase of pension to John Murphy; to the Committee on Invalid Pensions.

By Mr. REILLY of Wisconsin: A bill (H. R. 20009) granting an increase of pension to Mary Older; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20010) granting an increase of pension to Esclain Sanville; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 20011) granting a pension to John L. Beere; to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 20012) granting an increase of pension to Thomas F. Muldoon; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 20013) granting an increase of pension to William H. Seese; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 20014) granting an increase of pension to Nathaniel L. Lawrence; to the Committee on Pensions.

Also, a bill (H. R. 20015) granting a pension to James B. Russell; to the Committee on Pensions.

Also, a bill (H. A. 20016) granting a pension to Thomas Swallow; to the Committee on Pensions.

Also, a bill (H. R. 20017) granting a pension to Charles M. Walters; to the Committee on Pensions.

Also, a bill (H. R. 20018) granting an increase of pension to William S. Shupe; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 20019) granting an increase of pension to Edward Fitzhugh Daniels; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 20020) granting a pension to Anna Bryson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20021) granting an increase of pension to Peter P. Swensen; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 20022) granting an increase of pension to Catharine Bucher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20023) granting an increase of pension to Joseph E. White; to the Committee on Pensions.

Also, a bill (H. R. 20024) granting an increase of pension to Jacob Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20025) granting an increase of pension to Christian Humbert; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 20026) for the relief of Vilhelm Torkildsen; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 20027) granting an increase of pension to Sarah A. Bennett; to the Committee on Invalid Pensions.

By Mr. THACHER: A bill (H. R. 20028) granting a pension to Frank A. Kendall; to the Committee on Pensions.

Also, a bill (H. R. 20029) granting an increase of pension to George C. Peterson; to the Committee on Pensions.

By Mr. WOODS: A bill (H. R. 20030) granting a pension to Simon V. Fritcher; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of H. F. Gump & Sons, J. B. Wehn, Everett Hardware Co., A. H. Whetstone, L. C. Mann & Co., F. H. Herman & Son, W. A. Alexander, and D. F. Whetstone, all of Everett, Pa., favoring passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BEAKES: Petition of 321 business men of the second congressional district of Michigan, favoring the passage of House bill 5308, for taxing mail-order houses; to the Committee on Ways and Means.

By Mr. BORCHERS: Petitions of citizens and church organizations of the State of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Memorial of members of the First Presbyterian Church of Haddonfield and citizens of Salem, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. BYRNS of Tennessee: Petitions of citizens of Davidson and Robertson Counties, Tenn., favoring national prohibition; to the Committee on Rules.

Also, papers to accompany bill for the relief of John A. Gilbert; to the Committee on War Claims.

By Mr. CARY: Petition of the Commercial Press Co., of Racine, Wis., protesting against the printing of return envelopes by the Government; to the Committee on the Post Office and Post Roads.

Also, petition of S. F. Burch, of Milwaukee, and the Wisconsin Federation of Catholic Societies, protesting against the publication of the Menace and circulation of same through the mails; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petition of citizens of Greenville, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of Stamford, Conn., favoring the passage of the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

By Mr. DRUKKER: Petitions of Woman's Christian Temperance Union and sundry church organizations of the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of Wisconsin Federation of Catholic Societies, protesting against the publication called the Menace



and circulation of same through the mails; to the Committee on the Post Office and Post Roads.

By Mr. GERRY: Petitions of Epworth League of Methodist Episcopal Church of East Greenwich, R. I.; Phillips Memorial Church, of Cranston, R. I.; Harry F. Fairchild; Frances Willard Class of Tabernacle Methodist Episcopal Church; Pearl Street Baptist Church; Delta Alpha Class of Tabernacle Methodist Church; Epworth League of Washington Park Methodist Episcopal Church; Washington Park Methodist Episcopal Church; Washington Park Sunday School, of Providence, R. I.; William H. Fido; United Baptist Church of Providence, R. I.; Swedish Congregational Church and Sunday School of Cranston, R. I.; Warwick Central Baptist Church; Hills Grove Methodist Episcopal Church, of Warwick, R. I.; Congregational Church of River Point, R. I.; Second Hopkinton Seventh-day Church, of Hopkinton, R. I.; First Congregational Church; Pawcatuck Seventh-day Baptist Church; L. D. B. Sabbath School, of Westerly, R. I., urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of Branch 399, Catholic Knights of America, urging the protection of Catholic sisters and priests in Mexico; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolutions favoring national prohibition from the King's Daughters, of Woonsocket, R. I.; the Berkeley Methodist Episcopal Church, of Berkeley, R. I.; the Zion Primitive Methodist Church, of Pascoag, R. I.; the Laurel Hill Methodist Episcopal Church, of Bridgeton, R. I.; the Young People's Society Christian Endeavor, of Slatersville, R. I.; Trinity Baptist Church, Providence, R. I.; the Friends Sunday school, Woonsocket, R. I.; to the Committee on Rules.

Also, petitions favoring national constitutional prohibition from the Washington Park Methodist Episcopal Church, of Providence, R. I.; the Epworth League, Washington Park Methodist Episcopal Church, of Providence, R. I.; the Sunday school, Washington Park Methodist Episcopal Church, of Providence, R. I.; C. W. Calder, of Providence, R. I.; E. Louise King, of Central Falls, R. I.; William H. Fido, of Providence, R. I.; Miss M. Estelle Newell, of Central Falls, R. I.; the First Congregational Church of Chespachet, R. I.; the Epworth League of Laurel Hill Methodist Church, of Bridgeton, R. I.; the Arnold Mills Methodist Episcopal Church, of Arnold Mills, R. I.; the Sunday school of the Methodist Church, of Bridgeton, R. I.; the Broad Street Baptist Church, of Central Falls, R. I.; the Quarterly Conference Primitive Methodist Church, of Lonsdale, R. I.; and J. Henry Weaver, of Central Falls, R. I.; to the Committee on Rules.

Also, petition of members of the Catholic Knights of America, relative to protection for the Catholic priests and sisters in Mexico; to the Committee on Foreign Affairs.

Also, petitions of the Methodist Episcopal Church of Mapleville, R. I.; the Park Place Congregational Church, of Pawtucket, R. I.; Rev. James E. Springer, of Providence, R. I.; James Cranshaw, of Barrington, R. I.; E. M. Cranshaw, of Barrington, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of German-Irish demonstration at Chicago December 1, 1914, favoring observance of strict neutrality by United States Government; to the Committee on Foreign Affairs.

Also, petition of Western Association of Short Line Railroads, relative to House bill 17042, the Moon railway mail pay bill; to the Committee on the Post Office and Post Roads.

Also, petition of Philip Hiss, of New York, favoring proper armament for national protection; to the Committee on Military Affairs.

By Mr. MOTT: Petition of citizens of Manchester, N. Y., and Madison County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Chamber of Commerce of Washington, D. C., relative to an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of Washington, D. C., relative to Johnson amendment to District of Columbia appropriation bill; to the Committee on the District of Columbia.

Also, petition of citizens of Carthage, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of sundry church organizations of Providence and Newport, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. RAINY: Petition of 1,052 residents of the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

Also, petition of 46 churches and church organizations in the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 19072, to increase the pension of Minor M. Webb; to the Committee on Invalid Pensions.

By Mr. THACHER: Memorial of Pleasant Street Methodist Episcopal Church and Sunday School, of New Bedford, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petition of official board of First Methodist Episcopal Church, of Westfield, N. J., and Methodist Episcopal Churches at Plainfield, German Valley, and Chester, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. WALTERS: Petition of citizens of Johnstown and 186 citizens of Meckinsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of First Methodist Sunday School of Findlay, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Retail Merchants' Association of Bellefontaine, Ohio, in favor of the adoption of House joint resolution 372, providing for a national security commission; to the Committee on Rules.

## SENATE.

WEDNESDAY, December 16, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, at the beginning of a new legislative day we desire to record Thy name and to acknowledge our allegiance to Thee. Thou art the Supreme Ruler of the universe. We can not annul Thy commandments or stay Thy hand or thwart Thy purpose. Thou art the author of our liberty. Thou art the giver of every good and perfect gift. If we know not Thy way, we know not the path of progress. If we are not obedient to Thy will, we can not guide into the path of happiness. So we pray that with humble spirit we may walk in Thy way and do Thy commandments as Thou hast revealed them to us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

In the cause of Alla L. Bryant, daughter and sole heir of Stephen L. Bartholomew, deceased, *v. The United States* (S. Doc. No. 658);

In the cause of William R. Brink *v. The United States* (S. Doc. No. 642);

In the cause of Jane Pemberton, widow of Richard Pemberton, deceased, *v. The United States* (S. Doc. No. 643);

In the cause of Minnie L. Benson, widow of George R. Benson, *v. The United States* (S. Doc. No. 644);

In the cause of Mary E. Rowell, Clara T. Dillon, children, and Florence O. Robertson, Grace O. McMahon, Edward F. Overn, and Caroline A. Overn, grandchildren, sole heirs of John J. Overn, deceased, *v. The United States* (S. Doc. No. 645);

In the cause of Sallie Neal Bartol, one of the heirs of John E. Awbrey, deceased, *v. The United States* (S. Doc. No. 646);

In the cause of P. W. Chelf, administrator of Andrew J. Bailey, deceased, *v. The United States* (S. Doc. No. 647);

In the cause of Alvin C. Austin, executor of Henry E. Austin, deceased, *v. The United States* (S. Doc. No. 648);

In the cause of Arowline Ball, widow of Henry C. Ball, deceased, *v. The United States* (S. Doc. No. 649);

In the cause of Laura V. Gaines, widow (remarried) of Oliver L. Baldwin, deceased, *v. The United States* (S. Doc. No. 650);

In the cause of Turner Anderson *v. The United States* (S. Doc. No. 651);

In the cause of John H. Brewster *v. The United States* (S. Doc. No. 652);

In the cause of John T. Harris, executor of Thomas M. Harris, deceased, *v. The United States* (S. Doc. No. 653);

In the cause of Clinton L. Barnhart *v. The United States* (S. Doc. No. 654);

In the cause of Wesley L. Bandy *v. The United States* (S. Doc. No. 655);

In the cause of Ossian Ward and John H. Ward, executors of John E. Ward, *v. The United States* (S. Doc. No. 656); and

In the cause of Sarah A. Bailey, widow of Gustavus Bailey, deceased, *v. The United States* (S. Doc. No. 657).